845.0311/4-1745

CROSS-REFERENCE FILE

NOTE

SUBJECT Political Developments since the assumption of Administration of Bengal by Governor R. G. Casey.

For the original paper from which reference is taken

See #1026
(Despatch, telegram, instruction, letter, etc.)

Dated April 17, 1945 From / To Calcutta

File No. 845.00/4-1745

U. S. GOVERNMENT PRINTING OFFICE 1—1540

EMBASSY OF THE
UNITED STATES OF AMERICA

LONDON, February 9, 1945.

UNRESTRICTED

No. 20,938

SUBJECT: Questions in the House of Commons Concerning Restrictions on Indian Legislative Assembly Members.

For Distribution | Yes | No |

The Honorable
The Secretary of State,
Washington, D.C.

Sir:

I have the honor to set forth below the text, as reported by Hansard, of an excerpt from Parliamentary proceedings on February 8, 1945:

"Mr. Sorensen /Labor/ asked the Secretary of State for India how many members of legislative assemblies are now subject to village or house restriction and therefore not able to attend their respective assemblies; and the approximate total number of members of legislative assemblies who cannot fulfil their duties owing to the imposition of legal penalties or restrictions.

Mr. Amery: The desired information is not available here. The hon. Member will appreciate that his Question does not apply to the persons referred to in my reply to his question on 1st February, since the Provincial Legislature in Bihar, as in five other Provinces, is not at present functioning.

Mr. Sorensen: Does not the right hon. Gentleman feel that it is undesirable that members of public bodies should be debarred from exercising their civic functions?

Mr. Amery: They debarred themselves by their actions."

Respectfully yours,
For the Ambassador:

Robert Coe
Second Secretary of Embassy

RDC:LMW

DIVISION OF NEAR EASTERN AFFAIRS FEB 28 1945 DEPARTMENT OF STATE

FILED MAR 10 1945

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DEPARTMENT OF STATE

INCOMING TELEGRAM

DIVISION OF COMMUNICATIONS AND RECORDS

MB-1514

PLAIN

Moscow

Dated February 24, 1945

Rec'd 5:48 a.m., 25th

Secretary of State,

Washington.

536, Twenty-fourth.

Press for February 24, published 10 inch despatch datelined Delhi, February 21, reporting resolutions passed by Indian Central Legislative Assembly condemning Indian Government's failure to adopt policy of sanctions against South African Government for discrimination against Indians in South Africa.

Despatch also reported resolution criticizing government's policy regarding national savings certificates and anti-government statements concerning other issues. Item reported War Minister's explanation of use of Indian troops in Greece and stated that no resolution of censure was passed regarding this question.

Sent to Department; repeated to New Delhi.

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DIVISION OF MIDDLE EASTERN AFFAIRS
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DIVISION OF NEAR EASTERN AFFAIRS
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DIVISION OF INTERNATIONAL SECURITY AFFAIRS
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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

New Delhi, India, December 11, 1946

CONFIDENTIAL

NO. 872

SUBJECT: Inaugural Meeting of Indian Constituent Assembly.

FACILITIES BRANCH

DIVISION OF
MIDDLE EASTERN AFFAIRS
JAN 16 1947
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to enclose for the information of the Department a copy of the press report of the inaugural meeting of the Indian Constituent Assembly on December 9, 1946 published in The Statesman of December 10, 1946, and the text of the inaugural address of Dr. SINHA, Provisional Chairman of the Constituent Assembly, from The Statesman of the same date.

Several officers of the Embassy attended the session. Prior to the meeting there was speculation as to whether the Muslim League would stage a demonstration, but extensive precautions were taken by the police and there were no incidents of any sort.

Of 296 elected members from British India, 207 were present at the inaugural meeting which was held in Constitution Hall of the Council House, formerly a library. The entire Muslim League contingent of 74 members, the Muslim representative from Baluchistan, and the only Unionist Muslim elected from the Punjab were absent from the meeting. Thirteen other members were also absent, including Mrs. Vijayalakshmi PANDIT and Dr. KATJU, both of whom are abroad on State business. Four Congress Muslims, Mr. Somnath LAHIRI, the only Communist member, and Dr. AMBEDKAR also attended the session. Dr. Ambedkar had announced a few days earlier that he would attend "under protest". Members of the Assembly were seated in eight rows according to their provinces, with Congress Party leaders, Dr. Ambedkar, and Mr. Sarat Chandra BOSE on the front benches.

Acharya KRIPALANI formally opened the Constituent Assembly with a short speech in Hindustani inviting the Provisional

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Provisional Chairman, Dr. Sachchidananda Sinha, to preside over the session.

Dr. Sinha read messages of congratulation and good wishes from the United States, China and Australia. These greetings were appreciatively received. Just before the meeting Dr. Sinha, in the course of a chance encounter at the Council House, expressed his appreciation to me.

PROVISIONAL CHAIRMAN'S ADDRESS

Dr. Sinha opened his address by expressing his appreciation of having been named Provisional Chairman. He went on to discuss the history of Constituent Assemblies in Europe, mentioning the Swiss and French constitutions in particular as the only European constitutions which might help India in writing her own constitution. He observed that under the British Constitution there was no such thing as constituent law.

It will be noted that Dr. Sinha dwelt at length on the virtues of the American constitution, observing that it had been used as the model for the French Constitution, and the constitutions of the self-governing Dominions of the British Commonwealth--Canada, Australia and South Africa. He stated that he had no doubt that the Indian Constituent Assembly in the course of its work would pay "greater attention to the provisions of the American Constitution than to those of any other".

Dr. Sinha stated that he did not necessarily advise "wholesale adoption" of the American Constitution, but "judicious adaptation of its provisions to the necessities and requirements" of India, with such modifications as might be required by the peculiar conditions of social, economic and political life of this country.

Recognizing the monumental task before the Constituent Assembly, and the "reasonable agreements and judicious compromises" which will be necessary if a satisfactory constitution is to be framed, Dr. Sinha went on to outline the events which had culminated in the meeting of the Constituent Assembly and pointed out that it was not until 1940 that the two major political parties finally accepted the idea of a Constituent Assembly as the only effective means of framing a constitution for India. He added however, that it must be remembered the parties differed in their concept of the areas the Constituent Assembly should represent: the Congress Party desired one Constituent Assembly for India as a whole, while the Muslim League wanted two Constituent Assemblies in accordance with its demand for two separate Indian States.

Dr. Sinha

Dr. Sinha chose not to discuss in detail the British Cabinet Delegation's plan under which the Constituent Assembly is meeting in order to avoid controversial subjects, and declared he did not want "to rush in where even political angels might well fear to tread".

In conclusion Dr. Sinha admonished the members of the Assembly to conduct their labors "not only by good sense, public spirit, and genuine patriotism, but also by wisdom, toleration, justice and fairness to all; and above all with a vision which may restore India to her pristine glory and give her a place of honor and equality among the great nations of the world"...for "where there is no vision, the people perish".

The Chairman then invited members of the Constituent Assembly to present their credentials and sign the register.

CRITICAL SITUATION

As has been indicated in the Embassy's recent telegrams to the Department, the Constituent Assembly convened under anything but auspicious circumstances. As a result of the refusal of the Muslim League to attend, the Assembly could not possibly be regarded as having a representative character.

The Congress-League deadlock, which the London talks during the first week of December failed to break, seemed as tight as ever when the Assembly met. While the statement issued on December 7 by the British Government clarifying its interpretation of the Cabinet Mission plan of May 16 appeared to please the Muslim League, Mr. JINNAH as of December 9 had made no comment, and deliberations of the Congress Working Committee following the return of Mr. NEHRU from London on December 8 had already indicated that Congress was not likely to accept the statement.

Considering the bitter relations between the League and Congress, members of the Constituent Assembly conducted themselves with commendable restraint, but as one listened to the proceedings one could not help feeling that they had very little to do with the problem of establishing a basis for a representative and stable Indian Government. It was obvious that until such time as agreement between the two major parties might be obtained, the threat of widespread disorders, if not of civil war, was as great as ever.

SELECTION

SELECTION OF PRASAD
AS PERMANENT CHAIRMAN

3/ On December 9 the Congress Working Committee nominated Dr. Rajendra PRASAD as Permanent Chairman of the Constituent Assembly. Since Dr. Prasad has a reputation of being one of the less belligerent Congressmen and possesses a modest and earnest character, the choice had its virtues, but certain informed observers in New Delhi feel a better choice might have been made. Hugh WEIGHTMAN, Secretary for External Affairs, for example, has remarked to me that since Dr. Prasad is a dyed-in-the-wool Congressman, someone like Dr. M.R. JAYAKAR who is known to be more broad-minded in partisan matters than Dr. Prasad would have made a better Chairman. Another acquaintance with close Congress connections has expressed the opinion that it was a mistake to appoint Dr. Prasad because the chairmanship would divert his energies from his important task as Food Minister.

The question of the choice of a Permanent Chairman, however, fades into insignificance in comparison with the basic problem of establishing a Constituent Assembly which will include the great majority of the representatives of the Muslim community. As has been pointed out in recent telegrams, the Constituent Assembly will probably adjourn sine die after going through certain preliminary procedures, and is not likely to reconvene before April after the budget session of the Central Legislative Assembly and sessions of Provincial Legislatures have been held. The task of actually writing a constitution, therefore, will probably not present itself for several months, but if responsible Congress and League leaders persist in their stubborn attitudes the prospects for progress are anything but bright.

Respectfully yours,

George R. Merrell

Enclosures:

1. Press report inaugural meeting Constituent Assembly from Statesman, December 10, 1946.
2. Text Dr. Sinha's address, Statesman, December 10, 1946.

CONFIDENTIAL

3. Press report of Prasad's nomination as Permanent Chairman, Statesman December 10, 1946.
4. Pictures, inaugural meeting of Constituent Assembly, Statesman December 10, 1946.

(All enclosures in quintuplicate)

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Original and hectograph to Department.

Copy to: Embassy, London.
Embassy, Moscow.
Embassy, Nanking.

CONFIDENTIAL

Enclosure No.1 to despatch No.872 dated December 11, 1946, from George R. Merrell, Charge d'Affaires a.i., American Embassy, New Delhi, India

Subject: Inaugural Meeting of Indian Constituent Assembly

The Statesman, New Delhi, India, December 10, 1946

CONSTITUENT ASSEMBLY MEETS

DIVISION OF
MIDDLE EASTERN AFFAIRS
JAN 15 1947
DEPARTMENT OF STATE

Landmark In India's History

205 MEMBERS ATTEND OPENING SESSION

Election Petition From Baluchistan

FROM OUR SPECIAL REPRESENTATIVE

NEW DELHI, MONDAY—QUIETLY AND WITHOUT CEREMONY, THE INAUGURAL MEETING OF THE CONSTITUENT ASSEMBLY TOOK PLACE THIS MORNING IN CONSTITUTION HALL, COUNCIL HOUSE. THE GALLERIES WERE CROWDED; AMONG THOSE WHO WATCHED WERE DIPLOMATIC REPRESENTATIVES OF FOREIGN COUNTRIES AND MANY WOMEN.

SOLEMN without being sepulchral, well staged without being theatrical, not mawkish, seldom emotional—the proceedings did ample justice to the moment. There could have been few who did not regret the absence of the Muslim League members: nevertheless no Indian could help feeling that this indeed was a landmark in the history of the country.

Two hundred and seven members were present out of 296 elected from British India. All the 74 League members were absent, and so were the Muslim representative from Baluchistan and the only Unionist Muslim from the Punjab. The four Muslims present were Congressmen.

There were 13 others absent, among whom were Mrs Pandit and Dr Katju, both abroad on State business. Mr Prasanna Deb Raikot, a member from Bengal, had died recently, and a reference was made during the morning to his death. The House authorized the acting Chairman to send a message of condolence to Mr Raikot's family.

Dr Ambedkar attended, and so did Mr Somnath Lahiri, the only Communist member.

Members sat in eight rows, according to their respective provinces. On the front benches sat the Congress Party leaders, but Dr Ambedkar also sat on a front bench near Mr Sarat Bose.

An election petition, submitted by Khan Abdus Samad Khan (British Baluchistan) challenging the validity of the election of Nawab Mohammed Khan Jogazai as a member was held

205 MEMBERS ATTEND OPENING SESSION

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Members sat in eight rows, according to their respective provinces. On the front benches sat the Congress Party leaders, but Dr Ambedkar also sat on a front bench near Mr Sarat Bose.

Photograpers with flashlights wandered on the floor, snapping celebrities until a minute before 11 a.m. The members took their seats and the acting Chairman entered the Hall, followed by the Marshal of the

(Dr Sinha's Speech: page 4.)

Assembly. Dr Sachchidananda Sinha sat on a chair beside the Presidential rostrum.

Mr Kripalani walked up to one of the two microphones and invited the chairman to preside over the session. He spoke in Hindustani and his short speech marked the formal opening of the Indian Constituent Assembly.

Messages From Abroad

After his speech Mr Kripalani walked up the steps and shook hands with Dr Sinha who then took the chair. He began by reading out messages of congratulation and good wishes received from the USA, China and Australia. The House showed their appreciation of the greetings from these nations and perhaps noted that HMG themselves had not sent a similar message.

Dr Sinha, beside whom sat the Constitutional Adviser, Sir B. N. Rau, delivered his inaugural address, a well-worded and sensible speech, which, in content and construction, was reminiscent of an age gone by. He spoke slowly from the chair, but thanks to the excellent arrangements made in the hall, his speech was heard clearly in the galleries.

The Chairman, with the tacit consent of the House, nominated Mr Frank Anthony as Deputy Chairman to take his place in the event of there being an afternoon sitting. As it happened, the proceedings ended after 1 p.m.

An election petition, submitted by Khan Abdus Samad Khan (British Baluchistan) challenging the validity of the election of Nawab Mohammed Khan Jogazai as a member, was held over until after the election of a permanent Chairman.

Dr Sinha invited members to come up to the rostrum, show their credentials to the Deputy Secretary, Mr Tyabji, and sign the register. He said amid laughter that he would show his credentials to himself.

As Mr Iengar, the Secretary, read out the names, beginning with those of members from Madras, they went and signed their names. There was applause when leaders walked forward; the cheers which greeted Pandit Nehru and Maulana Azad were the loudest.

This part of the proceedings was conducted in a matter of fact manner, and it was occasionally enlivened by pleasant remarks from the chair. At the end of it, the House rose for the day.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

New Delhi, India, December 14, 1946

RESTRICTED

No. 877

SUBJECT: Indian Constituent Assembly: Debate on Rules of Procedure; Election of Permanent Chairman.

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON.

SIR:

845.032/12-1446

With reference to the Embassy's confidential despatch no. 872 dated December 11, 1946 on the subject of the inaugural session of the Indian Constituent Assembly, I have the honor to report the proceedings of the Assembly on December 10 and 11, when resolutions on rules of procedure were debated and passed and a Permanent Chairman of the Constituent Assembly was elected; and to enclose for the information of the Department copies of the press reports of these proceedings published in The Statesman of December 11 and 12, 1946.

RESOLUTIONS
RULES OF PROCEDURE

Four resolutions were passed during the second day's session regarding the conduct of business of the Constituent Assembly. The first of these resolutions prescribed the procedure to be followed in electing a Permanent Chairman of the Assembly. The House passed a second resolution for the adoption "with such modifications as the Chairman might in his absolute discretion permit", of the rules and standing order of the Central Legislative Assembly pending the framing of its own rules of procedure by the Constituent Assembly. A third resolution confirmed the existing organization of the office of the Constituent Assembly until such time as the Assembly should make a final decision.

Spirited debate and numerous amendments marked the passage of the resolution for the appointment of a committee on rules of procedure. The resolution, which was moved

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moved by Acharya KRIPALANI, provided for a committee comprised of the Chairman and 15 members. The lengthy discussion concerned whether rules framed by this committee automatically apply to Sections and Committees, or whether the intention for such rules to so apply must be specifically stated. Kripalani pointed out that Sections and Committees, as integral parts of the Assembly, would necessarily be governed by the same rules as those by which the Assembly is guided without specific mention of this fact. Dr. Suresh Chandra BANERJEE, who moved an amendment specifically empowering the committee to frame rules for the Sections as well as the Assembly, defended his position by reminding the members of the Assembly that since there were "difficulties with particular sections", it would be well to specify the areas which these rules will cover.

Dr. M.R. JAYAKAR who, as has been previously indicated to the Department, was suggested by several informed observers as a better choice for the permanent chairmanship of the Constituent Assembly than Dr. Rajendra PRASAD, demonstrated his broad-mindedness in partisan affairs during this heated debate. He urged members of the Assembly to remember that it would be "injudicious" for them to do anything which might prejudice future relations with a "certain group of men" who were not then present (the Muslim League contingent of 74 members), but who might be present when the Sections begin to function. Dr. Jayakar warned his colleagues against legislating in advance for this group and recommended proceeding cautiously in order that "their future arrival" might be in a "friendly atmosphere".

Mr. Sarat Chandra BOSE, with reference to Dr. Jayakar's recommendations, expressed the opinion that future conflict would not be introduced if the Assembly were to lay down rules of procedure not only for the Constituent Assembly but for its Sections and Committees as well. On the contrary, he felt such a step would "resolve many a conflict in advance".

At the conclusion of the discussion, since a large number of the members of the Assembly were in favor of extending the rules of the Assembly to cover its Sections and Committees, Mr. Kripalani accepted Mr. Bannerjee's amendment and the amended resolution was passed with only Dr. AMBEDKAR dissenting.

ELECTION

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ELECTION OF
PERMANENT CHAIRMAN

2/ Dr. Sachchidananda SINHA, at the meeting of the Constituent Assembly on December 11, was able to announce immediately the unanimous election of Dr. Rajendra PRASAD, Food Minister, as Permanent Chairman of the Constituent Assembly since both of the valid nomination papers had proposed him for this position.

Members of the Assembly, representing different shades of opinion in the House, congratulated Dr. Prasad on his election. Sir Sarvapalli RADHAKRISHNAN, in the course of his speech, deplored the absence of Muslim League members of the Constituent Assembly, recognizing the necessity for their cooperation if a successful constitution is to be drawn up. Other members to congratulate Dr. Prasad included Mr. Frank ANTHONY, the Anglo-Indian leader; Khan ABDUL GHAFFAR KHAN, Congress leader from the North West Frontier Province; Mr. Somnath LAHIRI, Communist representative; Mrs. Sarojini NAIDU; Dr. Alban d'SOUZA, Indian Christian from Bombay; and Sir N. Gopalaswami AYYANGAR, member of the Council of State and former Prime Minister of Kashmir.

At the conclusion of the messages of congratulation Dr. Prasad formally took his seat as Permanent Chairman. He acknowledged the expressions of good will and went on to outline briefly the difficulties which lie before the Assembly, stressing his belief in the sovereignty of the Constituent Assembly. He declared:

> "I am aware that this Assembly has been born with certain limitations placed on it from its birth. We may not forget, disregard or ignore these limitations in the course of our proceedings and in arriving at our decisions. But I know too that in spite of these limitations, the Assembly is a self-governing and self-determining independent body, in whose proceedings no outside authority can interfere and whose decisions no one outside can upset or alter or modify. Indeed, it is in the power of this Constituent Assembly to get rid of and demolish the very limitations which have been attached to it at its birth."

Dr. Prasad said he thought it "most regrettable" that the Muslim League seats of the Assembly should be

unoccupied

Despatch no. 877
December 14, 1946
New Delhi, India

unoccupied, but expressed the hope that the league members would soon participate "in this great work of creating a Constitution for our people". In conclusion, Dr. Prasad said that as a result of the labors of the Constituent Assembly he hoped they would achieve "the freedom to be free".

Respectfully yours,

George R. Merrell

Enclosures:

1. Press report of proceedings of Constituent Assembly, Statesman, December 11, 1946.
2. Press report of proceedings of Constituent Assembly, Statesman, December 12, 1946.
(In quintuplicate)

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Embassy, Nanking

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Enclosure no. 1 to despatch no. 877 dated December 14, 1946 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Debate on Rules of Procedure; Election of Permanent Chairman."

THE STATESMAN, December 11, 1946

Rules Of Procedure For Sections Of Constituent Assembly

On the second day's (Tuesday's) sitting of the Constituent Assembly, a full and animated debate arose on the point whether the rules of procedure framed for the Assembly should be expressly declared to govern the Sections as well. The point was brought up during the discussion on Acharya Kripalani's resolution for the setting up of a committee of 15 on rules of procedure and other matters.

AN amendment to the effect that the committee should be empowered to frame rules not only for the Assembly, but for the Sections was moved by Dr Suresh Chandra Bannerjee and was eventually adopted. The resolution with the amendment was passed with only Dr Ambedkar voting against the amendment.

Acharya Kripalani moving the resolution pointed out that in the form in which it was circulated it provided that the committee should report on "rules of procedure of the Assembly, Sections and Committees." He decided to drop the words "Sections and Committees" because sections and committees were a part of the Assembly and the addition of those words was therefore superfluous.

Dr Suresh Chandra Bannerjee: Is it the intention of the mover that the rules should also apply to Sections? In my opinion, Sections should be specifically mentioned here, because you know there are difficulties with particular sections.

Dr Shyama Prosad Mukherjee, supporting Dr Bannerjee, said it would be safer to specify clearly that the rules of procedure of the Assembly should apply to Sections and Committees.

Mr Kripalani: I think the rules of procedure of the Assembly include rules of procedure of the Sections and Committees.

Doubts Should Be Removed

Dr Mukherjee said that the resolution as it stood left it in doubt whether when the Sections met they would frame their own rules of procedure. The question would then arise whether the Constituent Assembly had authority to frame rules of procedure for the Sections at all.

It would then be a question of interpretation whether the Rules Committee was entitled to frame rules for the Sections. As it was the intention that this committee would frame rules for the Sections, they should make that clear now, so that there might be no ambiguity when Sections were formed.

Babu Purshottamdas Tandon supported the amendment.

Acharya Kripalani intervening in the debate submitted that the Assembly would make rules of a broad nature and these would apply to Sections and Committees. If any Committee or Section wanted any additional rules they would be made subject to the proviso that such rules were not inconsistent with the rules made by the Rules Committee.

Sardar Harnam Singh agreed with Dr Mukherjee, but suggested the word "including" should not be inserted, but the passage should read: ".....Assembly, its Sections and Committees." His suggestion he said was in accord with the Cabinet Mission's statement which mentioned Sections as sections of the Assembly.

Minority Representation

Sardar Harnam Singh also urged that ten of the members of the committee should be elected and the remaining five nominated by the Chairman so as to give adequate representation to important minorities. Otherwise, he was afraid, the work of the Advisory Committee might be regulated to the detriment of some important sections of the House.

Mr K. M. Munshi, supporting Mr Bannerjee's amendment, said that it would be extremely unwise to omit the words "Sections and Committees," because that would show that the Assembly was not the self-determining and self-governing institution which they insisted it was.

"Acharya Kripalani himself mentioned," said Mr Munshi, 'that if we leave the thing as it is, rules could be made whereby you can lay down that Sections and Committees will not have power to make rules which are contrary to, or inconsistent with, the rules made by this committee. That itself shows that it is competent for this procedure committee to regulate to some extent the procedure of the Sections and Committees."

In view of the debate that had already taken place, it was much better that the words "Sections and Committees" stood, rather than leave the matter open to further discussion and points of order later on. "It should be laid down definitely by this House that the Constituent Assembly is one and indivisible, that the Sections, as already pointed out, are sections of the Assembly, and that they may not form themselves into independent bodies which can make their own rules inconsistent with the rules of this Assembly."

Mr Basanta Kumar Das asked for a ruling from the Chairman as to how far the Constituent Assembly would be entitled to give a direction, or to examine the work of Sections and of the Advisory Committee.

The Chairman said that he had no desire to see his ruling dragged into the Federal Court, and therefore

would not give any.

Fundamental Issues

Pandit Jawaharlal Nehru, intervening, said: "This resolution was considered to be a formal resolution, but from the trend of the discussion it appears there are larger fundamental issues in the minds of honourable members. Obviously we have got those issues in our minds and many of us hold strong views about them. If this discussion goes on, all manner of things, which no doubt will be considered at various stages in the House, will have to be considered now. In this particular issue, I doubt if there is any difference of opinion in the House."

Undoubtedly, said Pandit Nehru, the various Committees and Sections of the Constituent Assembly were a part of the House. Undoubtedly anything that was done in those Committees and Sections which came into conflict with the directions of the Assembly would have to be considered by the House. "As this resolution is drafted —and I had something to do with the drafting—I thought the original draft was the appropriate draft, but when this matter is brought up in the shape of an amendment, then obviously it becomes an entirely different matter to oppose that amendment, because that becomes an expression of the view of the House."

"The member from Assam has brought the Advisory Committee into the picture. The Advisory Committee obviously and patently has to report to the Constituent Assembly. He took it that all Committees of the House would have to report to it."

Pandit Nehru suggested to Acharya Kripalani to accept the amendment.

Dr M. R. Jayakar said that on merits, he would have supported the amendment, but there were a few considerations which he wished to urge against an express mention of the words "Sections and Committees".

He urged the House to remember that "Sections" included B and C Sections and further that in the B and C Sections there was the likelihood—almost the certainty—of a "certain group of men who are not present here today and who may be present when the Sections begin to function". That group of men was not present in the House today owing to a feeling of some hostility.

Need For Caution

"Would you like at this stage to legislate for them in advance or would you rather leave this question as included in the word 'Assembly' instead of rubbing it in too much by the express mention of the word 'Sections', which means Sections B and C?" he asked. He urged members to consider whether as a matter of expediency they would not let the matter remain where it was, namely that no rules could be framed by Sections A and B and also C which were in conflict with the rules of the Assembly.

"Would you rather not let it rest on this very wise provision? Or would you go further and rub the point in by saying that we here today in the absence of that group of men make it necessary that the rules framed by the Assembly will also apply to the Sections, which is absolutely unnecessary because all the rules of the Assembly include the rules of the Sections?"

"I would, therefore, suggest this cautious proceeding in the absence of an important group of men who are not present here, but who are watching these proceedings with a very jealous and suspicious eye to discover whether you are taking anything out of their hands. In deciding this in anticipation of their arrival, may it not interfere with their future arrival in a friendly atmosphere? Therefore I suggest that the words stand as in the original resolution of Acharya Kripalani, instead of going further to mention expressly what is included in the words."

Mr D. P. Khaitan, supporting the amendment, said, "I have not the slightest doubt that whether a group of members is present or not, this Assembly has to proceed with its work in its entirety irrespective of the question whether that group decides to join or not to join. We have got to carry on our work and I do hope that as time passes, that group of men will serve the interests of the country as a whole by joining us and advising us how to shape the destiny of the country. But so long as they are not here, we should go on with our work with our heart in it and looking at the interests of the country as a whole."

Mr S. H. Prater (Anglo-Indian), supporting Dr Jayakar's arguments, said that Dr Jayakar had pointed out the implications of the amendment, and it would be good to follow what he had said. "We may all want to do this thing, but not at this stage. There is time for it and, therefore, I whole-heartedly support the resolution as originally moved by Acharya Kripalani".

Sarat Bose's Support

Mr Sarat Chandra Bose urged that to settle all future disputes the House should accept the amendment.

Referring to Dr Jayakar's speech, he said, "I do not think it will introduce any conflict at all in future if this Assembly were to lay down the rules of procedure which would govern not only the main Assembly but its Sections and Committees as well. On the contrary, I feel that it would resolve many a conflict in advance. If we are thinking that any conflict may arise between the main Assembly and the Sections, we had better resolve that conflict now, by including the words "Sections and Committees".

Mr B. G. Kher said that the House ought not to leave any doubt that the Assembly was the supreme body so far as the procedure of the Sections was concerned. After the debate that had taken place, it would be impolitic now to refuse to accept the words "Sections and Committees." They were not at all certain today whether the Sections were going to sit. The way out of it would be to give the proposed committee powers to co-opt, so that if the rules framed were not acceptable to any Section of members, or if any suggestions were made, the committee might from time to time be able to suggest amendments and alterations which could be confirmed, ratified or rejected by the House.

Mr Jairamdas Daulatram said that the Union Constituent Assembly was the supreme body, and must have the right to frame rules for its Sections and Committees. On this point no room should be left for any interpreta-

tion. At the same time they had to deal with the possibility that those men who were not present today might join us at a later stage. If that development took place, the suggestion made by Mr Kher would meet their requirements

Interim Rules

Replying to the debate, Acharya Kripalani said that there seemed to be some misapprehension about the scope of the work of the committee, and the time during which it would be in existence. "We have absolutely no rules for conducting our business. The rules would be more or less such as guide the proceedings of all Assemblies, and these would be of a general nature. There is no doubt in my mind that more rules will have to be framed by Committees themselves and by Sections. They may be called by-rules or by any other name. This committee will not frame exhaustive rules. As for the question of co-option, it need not arise at this stage. This committee is not going to be permanent.

"When any Section of the House that is absent today decides to join, then if they have any objection to the rules that have been framed, this House can always order them to be revised. I think it is a bad method to appoint a committee and to give it powers to co-opt when that committee is being selected by the single transferable vote."

Referring to Sardar Harnam Singh's suggestion that five representatives of minorities be co-opted, he said, "There is already a provision that the members of this committee be selected by the single transferable vote, and that includes all minorities. It is not good that minorities' representatives should be appointed by these ten people." He, therefore, opposed the suggestion.

As he found that there was a large body of opinion for including the words "Sections and Committees", he accepted Mr Bannerjee's amendment. (cheers).

The amendment was passed, only Dr Ambedkar voting against it.

Chairman's Election

Earlier the Constituent Assembly spent half an hour discussing a lengthy resolution prescribing procedure for the election of a permanent Chairman.

Acharya Kripalani formally moved the resolution and Pandit Nehru seconded.

Two verbal amendments were suggested by Mr Punjabrao Deshmukh. Mr K. Santanam invited the Chair to interpret what would be the effect of the amendments.

Mr Sinha: I am not here to interpret. Interpretation is a most dangerous thing (laughter).

After a brief debate, in which Mr Ananthasayanam Ayyangar and Mr C. Rajagopalachari took part, the resolution was passed in its original form with the addition of a clause suggested by Mr H. V. Kamath to enable any nominee to withdraw if he liked.

The House adopted a resolution moved by Pandit Nehru for the adoption, with such modifications as the Chairman might in his absolute discretion permit, the rules and standing orders of the Central Legislative Assembly pending the framing by the Constituent Assembly of its own rules of procedure.

The House passed another resolution moved by Pandit Nehru confirming the existing organization of the office of the Constituent Assembly pending the final decision of the Assembly.

The Chairman, Dr Sinha, said amid cheers, "In the very few days it has been my privilege to work with Sir Narsinha Rao (Constitutional Adviser) and his staff. I have received the greatest possible assistance, and I am sure they will go on giving the same valuable assistance and co-operation."

The Assembly then adjourned till tomorrow.—API.

Enclosure no. 2 to despatch no. 877 dated December 14, 1946 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Debate on Rules of Procedure; Election of Permanent Chairman."

THE STATESMAN, December 12, 1946

CONSTITUENT ASSEMBLY'S SOVEREIGN AUTHORITY

SPEECHES AT ELECTION OF PERMANENT CHAIRMAN

Dr Rajendra Prasad took the Chair on Wednesday as permanent President of the Constituent Assembly amid enthusiastic cheers. A simple ceremony preceded his installation. The temporary Chairman, Dr Sachchidananda Sinha, announced that the two valid nomination papers so far received proposed Dr Rajendra Prasad's name, and added: "I hereby declare Dr Rajendra Prasad (loud cheers) duly elected permanent Chairman of this Assembly (renewed cheers).

"MY last duty as temporary Chairman is to request that Acharya Kripalani and Maulana Azad will do us the favour on behalf of the Constituent Assembly to approach the elected president and to bring him to the Chair." (Cheers and laughter).

Maulana Azad walked up to Dr Rajendra Prasad and gripped him by the right arm, while Acharya Kripalani stood by his left and the three went up to the dais, where Dr Prasad sat on a chair by the side of the temporary Chairman. Cries of "Inquilab Zindabad" and "Jai Hind" rang out as he took his seat. Speeches felicitating the new Chairman followed.

Sir Sarvapalli Radhakrishnan, in congratulating Dr Rajendra Prasad, said that the Constituent Assembly had met to frame a constitution to effect the withdrawal of British control—political, economic and military—and establish a free and independent India. If successful, this transfer of authority would be the biggest and least bloody of all transfers in human history.

The constitution the Assembly would be drawing up, Sir Sarvapalli urged, should embody the dreams and passions, the ideals and aspirations of the people. It must be based on the consent of all and respect the rights of all pople belonging to this great land. "We have been kept apart; it is our duty now to find each other."

League's Absence

Referring to the Muslim League's abstention from the Assembly, Sir Sarvapalli said: "We all deplore, as the speakers yesterday and the day before deplored, the abstention of the representatives of the Muslim League from this Constituent Assembly.

"We take it that it will only be temporary, for their co-operation is absolutely essential for the success of any constitution which we may draw up, but in approaching these matters our attitude should be one of realism.

"Our hunger, our poverty, our disease, our malnutrition are common to all. Take the psychological evils from which we suffer, the loss of human dignity, the slavery of the mind, the stunting of sensibilities and the shame of subjection. These are common to all—Hindus or Muslims, princes or peasants.

"It is essential, therefore, for any constitution which is drawn up to make all the citizens realize that their basic privileges—educational, social and economic—are afforded to them, that there will be cultural autonomy, that nobody is going to be suppressed. It is going to be a constitution which will be democratic in the true sense of the term, where political freedom will merge into economic freedom and equity, and which will make every individual feel that he should be proud to belong to this great land."

He hoped that the spirit of amity, concord and harmony which had come down to them from the Indus civilization down to Mr Gandhi and Dr Rajendra Prasad would inspire the Assembly's efforts (loud cheers).

Assembly's Wide Powers

Sir N. Gopalaswamy Ayyangar said that the most onerous of Dr Rajendra Prasad's tasks as Chairman would be the "defeating of all attempts at weakening or whittling down the sovereign powers of the Assembly."

For the task which the Assembly had taken upon itself, it was sovereign in every sense of the word. That its members had been brought together by machinery employed by the present Government of India did not detract from that sovereignty (hear, hear). The constitution of the Assembly derived its authority not from the fact that its authors were three members of HMG, but from the fact that the proposals made therein had been accepted by the people of this country (hear, hear).

Any limitation on the powers of the Assembly which were indicated in the Cabinet Mission's statement "are thus self-imposed, imposed by ourselves on this Assembly, and the document and its subsequent exposition by its authors have made it clear

that this Assembly has got the constituent power of amending its constitution, of varying or adding to what is provided for in that document, not excluding even what are declared to be its fundamentals. The law of the constitution of this Assembly does not vest in any outside authority, judicial or otherwise, the interpretation of any provision."

In one single instance alone it required that the Chairman should obtain the advice of the Federal Court at the request of the majority of either of the major communities in the Assembly before he took a decision on the issue.

"It follows, therefore, that the decision on all questions of interpretation of the law of the constitution of this Assembly will be in the Chairman's hands, subject to such directions as this Assembly itself may give. Reference to an outside authority for decision or advice in respect of other matters can be made only on authority given by a decision of this Assembly, and no such decision will be binding on this Assembly unless it has agreed to abide by that advice.

"The idea, therefore, adumbrated in the recent statement of HMG that either side is free to ask an outside authority to decide matters of interpretation and that the Assembly should accept whatever decision it may give cannot be implemented except on the authority of a resolution of the Assembly (hear, hear).

"The suggestion made in the statement, if implemented without an affirmative resolution of this Assembly, would detract from its sovereign powers, and I have no doubt that Dr Rajendra Prasad will resist such an attempt to his utmost" (cheers).

Mr. Anthony's Tribute

Mr Frank Anthony, the Anglo-Indian leader, said that it was not necessary for him to commend Dr Rajendra Prasad's qualifications. "The office to which he has been unanimously elected,' Mr Anthony said, "is not only the highest office, but equally onerous'

He was sure Dr Rajendra Prasad would hold the scales evenly between the different interests. The natural impulse of every Indian today was to see his mother country free. In a great country like theirs differences of opinion must inevitably exist, but given a leader like Dr Rajendra Prasad, his liberality would succeed ultimately in joining the different communities into one supreme force surging forward irresistibly in order that this country might take its rightful place in the vanguard of the nations of the world.

Sardar Ujjal Singh said that by his (Dr Rajendra Prasad's) unparalleled service and sacrifice, learning and ability, and above all his spotless character, he had become the idol not only of the province of Bihar but of the whole of India. A man of such unimpeachable honesty of character would command the confidence of one and all in the House. Sardar Ujjal Singh hoped that under the guidance and inspiration of Dr Rajendra Prasad the Constituent Assembly would succeed in establishing a sovereign Indian republic.

Sir Kameshwara Singh of Darbhanga associated himself with the tributes paid to Dr Rajendra Prasad.

India's Coming Of Age

Dr Alban d'Souza (Bombay) said that it was now left to Dr Rajendra Prasad to take the ship of the Constituent Assembly out of the harbour to the high seas. With confidence in the future and under the guidance of Dr Rajendra Prasad the Assembly would be able to frame a constitution for India. British trusteeship, Dr d'Souza said, must now end, for India had come of age.

Mr V. I Muniswami Pillai (Madras) said that the Harijans had complete confidence in Dr Rajendra Prasad. He was sure that whatever the constitution that was framed, justice would be done to the 60,000,000 Scheduled Castes, their disabilities removed and they would be enabled to enjoy the privileges accorded to all citizens.

Khan Abdul Ghaffar Khan felicitating Dr Rajendra Prasad on behalf of the NWFP mentioned his freedom from communal feeling and said: "To him both Hindus and Muslims are equally dear, and this is a quality that every Indian needs at this time."

Mr C. M. Poonacha (Coorg) hoped that under Dr Rajendra Prasad's guidance the work of the Constituent Assembly would be a complete success.

Mr H. V. Kamath said that the Constituent Assembly was the result of heroic suffering and struggle under the leadership of Mr Gandhi. Dr Rajendra Prasad embodied in himself the calmness and strength necessary for the achievement of freedom.

Communist Hopes

Mr Somnath Lahiri (Communist) said that Dr Rajendra Prasad was known for his patience, tolerance and eagerness to understand the viewpoint of other parties. He hoped Dr Rajendra Prasad would continue to extend those qualities to the Communist Party as well.

Mrs Sarojini Naidu said that born in Bihar Dr Rajendra Prasad embodied something of the qualities of the great Buddha. Looking at the House now, Mrs Naidu said, her heart was sore because there were many friends who were absent, and she looked forward to their coming in under the leadership of Mr Jinnah. She also hoped that Dr B. R. Ambedkar, who was bitter today, would under the compulsion of the essential sweetness and wisdom of Dr Rajendra Prasad, co-operate in the great task of the Assembly.

Mrs Naidu added that in this Constituent Assembly even the smallest minority in the country, whether represented or not, would realize that they have in the Assembly a zealous, tolerant and loving guardian of their interests.

"I hope also", she said, "that the princes of India, among whom I have many personal friends, and who are so worried, will realize that the constitution for India is a constitution for the freedom and emancipation of every human being, whether he is a prince or a peasant. I want that realization to be carried home, and in no better manner can it be carried than by the guidance of Dr Rajendra Prasad."

44-Year-Old Friendship

Dr Sachchidananda Sinha, before vacating the Chair, said that he had known Dr Rajendra Prasad intimately for a period of 44 years. In 1902 when Dr Rajendra Prasad had stood first in the matriculation examination of the university, Dr Sinha had written in his paper the Hindustan Review pre-

dicting that Rajendra Prasad would become either the President of the Indian National Congress or a High Court judge. His prediction had proved correct, though he was sorry he had not become a High Court judge (laughter). But it was a greater honour to be elected the permanent Chairman of the Constituent Assembly.'

Dr Sinha conducted Dr Rajendra Prasad to the presidential chair amid loud cheers, and himself sat in the chair near him.

Acharya J. B. Kripalani conveying the gratitude of the House to Dr Sinha said that the manner in which as temporary Chairman he had conducted the proceedings of the Assembly had given ample proof of the fact that Dr Sinha was the eldest among the elders of the House (laughter). He hoped that Dr Sinha would continue to work as a member of the Constituent Assembly in the same human and humourous spirit which he had so effectively employed in putting through the business of the House expeditiously during the last two days.

President's Reply

Dr Rajendra Prasad acknowledging the felicitations said: "Our Assembly is meeting in difficult circumstances. We see signs of strife in many places in this unfortunate land, but other countries too when they elected their Constituent Assemblies and entrusted them with the work of framing constitutions for them were faced with similar difficulties.

"We can take comfort from the fact that in spite of those difficulties, in spite of differences of view which exhibited themselves with vigour, sometimes in trouble and turmoil, those Assemblies conquered them and were able to frame constitutions which were acceptable to the people and have become their invaluable heritage. There is no reason why we should not succeed also.

"All that we require is honesty of purpose, firmness and determination and a desire to understand each other's views and do justice to them.

"I am aware," he said, "that this Assembly has been born with certain limitations placed on it from its birth. We may not forget, disregard or ignore these limitations in the course of our proceedings and in arriving at our decisions. But I know too, that in spite of these limitations, the Assembly is a self-governing and self-determining independent body, in whose proceedings no outside authority can interfere and whose decisions no one outside can upset or alter or modify. (Cheers).

Model Constitution

"Indeed, it is in the power of this Constituent Assembly to get rid of and demolish the very limitations which have been attached to it at its birth, and I hope that you, ladies and gentlemen, who have come here to frame the constitution of an independent and free India, will be able to get rid of these limitations and place before the world a model constitution that will satisfy the people of all groups and communities and religions inhabiting this vast land, and will ensure to everyone freedom of action, of thought, of belief, and of worship; which will guarantee to everyone opportunities of rising to his highest; which will guarantee to everyone freedom in all respects. I hope and trust that this Constituent Assembly will, in the course of time, be able to develop strength as all such assemblies have done.

"It is most regrettable that many seats are unoccupied today in this Assembly. I am hoping that our friends of the Muslim League will soon come to occupy these places and will be glad to participate in this great work of creating a Constitution for our people, which according to the experience of all other nations of the world, and according to our own experience, our own traditions and our own peculiar conditions, will guarantee to everyone all that he can require to be guaranteed, and will not leave any room for any complaint from any side. (Cheers).

"I am hoping also that you will do your best to achieve this great objective Above all, what we need is freedom, and as someone has said, nothing is more valuable than the freedom to be free. Let us hope that as a result of the labours of this Constituent Assembly we shall have achieved that freedom and be proud of it." (Cheers). —API.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

DIVISION OF MIDDLE EASTERN AND AFRICAN AFFAIRS
JAN 22 1947
DEPARTMENT OF STATE

AMERICAN EMBASSY

New Delhi, India, December 17, 1946

UNRESTRICTED

NO. 879

SUBJECT: Indian Constituent Assembly: Pandit Nehru's Resolution and Speech December 13; Reaction of States Thereto; Dr. Jayakar's Amendment to Nehru's Resolution and Supporting Address December 16.

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I have the honor to summarize briefly the speech made in the Indian Constituent Assembly on December 13, 1946 by Pandit Jawaharlal NEHRU moving a resolution which sets forth the objectives of the Constituent Assembly; to report the reaction of the Indian States to Mr. Nehru's resolution; to outline the arguments of Dr. M.R. JAYAKAR in the Assembly December 16 in moving an amendment to Mr. Nehru's resolution; and to enclose for the information of the Department a copy of the press report of Pandit Nehru's speech, a copy of a statement by Sir C.P. Ramaswamy IYER, and a copy of Dr. Jayakar's address, published in The Statesman of December 14, 16 and 17 respectively.

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RESOLUTION ON
DECLARATION OF OBJECTIVES

On December 13 in the Constituent Assembly Pandit Nehru moved the following resolution:

x 845.01

"(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;

x 845.911

(2) wherein the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as

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as well as such other territories as are willing to be constituted into the Independent Sovereign India shall be a Union of them all; and

(3) wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

(4) wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

(5) wherein shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

(6) wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

(7) whereby shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilized nations; and

(8) this ancient land attain its rightful and honored place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind."

PANDIT NEHRU'S SPEECH

In introducing his resolution Pandit Nehru, who spoke both in Hindustani and in English, said that it was not to be a part of the constitution which they would draw up,

but

but that it merely lay down "certain fundamentals" which could hardly be disputed. The Hindustan Times quoted him as saying that these fundamentals were not really controversial: "Nobody challenges them in India. Nobody ought to challenge them. If anybody does challenge them, we will accept that challenge."

With reference to his recent trip to London Mr. Nehru said that he had returned to India "without any message of cheer and with a large measure of disappointment". He spoke of the "new difficulties" that had arisen because of the recent British Cabinet statements, and of "new limitations which had not been mentioned previously, new methods of procedure" which were suggested. Mr. Nehru declared that India today "wants no one's advice and no one's imposition", and that the only way to influence India is through "friendship, cooperation and goodwill". He went on to say that they had "tried honestly enough" in the last few months to create an atmosphere of cooperation, but that insufficient response from "others" was bound to impair this atmosphere.

With reference to the position of the Indian States, Mr. Nehru said the people of the States must share in the freedom that is to come, but that matters concerning the relationship of the States to the Indian Union must be settled by negotiations between the Constituent Assembly and the representatives of the States.

Mr. Nehru pointed out the desirability of having some indication as to what the Constituent Assembly aimed at, what they sought to achieve, whither they were going", and said that the resolution was a declaration, a pledge, an undertaking and, he hoped, would be a dedication. He asked members not to look at the "narrow legal wording" of the resolution but at the spirit behind it. If too little was said, then the resolution would become just a pious hope; if too much was said it would become an imposition on the functions of the Constituent Assembly. According to the Hindustan Times he referred to the "great nation which has been built" under the American Constitution "which has stood the test of these many years", and to the examples of the eighteenth-century French and twentieth-century Russian constituent assemblies.

In mentioning the absence of the Muslim League members

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of the Assembly, Mr. Nehru expressed regret that they had not seen fit to participate in the tremendous task of writing a constitution and said he hoped they would cooperate in the Assembly in its future stages. In the meantime, he urged the Members of the Assembly to remember that their duty was not to one party or one group, but to the people of India as a whole.

Mr. Nehru defended the use of the expression "Independent Sovereign Republic" by declaring that if India is to be an independent and a sovereign State, it must inevitably be a republic". He then reviewed briefly reasons for omitting the words "democratic" and "socialist" from the resolution.

In conclusion Mr. Nehru referred to the international importance of current events in India and admonished the members of the Constituent Assembly to bear in mind this larger aspect of their task. "We approach the world in a friendly way", he said. "We want to make friends with all countries."

REACTION OF INDIAN STATES

There was an immediate and unfavorable reaction to Mr. Nehru's resolution among representatives of the Indian States. Mir MAQBOOL MAHMOOD, Secretary of the States Negotiating Committee, released a statement published in The Statesman of December 16 expressing regret that a resolution had been moved in the Constituent Assembly that "raises many fundamental issues" which in the opinion of certain members of the States Negotiating Committee could not and "should not be considered or decided" by the Assembly "in the absence of the Indian States' representatives". The States resent the proposal to set up an "independent sovereign republic" which would include not only British India, but the States as well, and insist that such basic issues as are raised by the resolution "are obviously matters for discussion and consultation with the States' representatives".

Sir C.P. Ramaswamy IYER also issued a statement published in The Statesman of December 16 in which he declared that "irreparable and grave consequences...would flow from the determination to go forward" with the discussion of and voting upon Mr. Nehru's resolution. He asserted that the States have the right to be consulted in the formulation of the objectives of the Constituent Assembly, especially if it is intended that the future Indian Union will include

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the Indian States; and that the doctrine that all power and authority of sovereign independent India should derive from the people is not necessarily incontestable.

Sir C.P. Ramaswamy Iyer failed to see what "particular benefit" accrued from Mr. Nehru's reference to the monarchical system and pointed out that at least in cases where there is no existing machinery for the election of representatives of the people, States can only be represented by "the rulers or their duly accredited advisers". In conclusion Sir C.P. declared that for Nehru to say if anyone challenges his statement the challenge will be accepted, is "to provoke a conflict when there need be none".

AMENDMENT MOVED BY DR. JAYAKAR

Dr. Jayakar, at the meeting of the Constituent Assembly on December 16, moved that the following be substituted for Mr. Nehru's resolution:

> "This Assembly declares its firm and solemn resolve that the Constitution to be prepared by this Assembly for the future governance of India shall be for a free and democratic Sovereign State; but with a view to securing, in the shaping of such a constitution, the cooperation of the Muslim League and the Indian States, and thereby intensifying the firmness of this resolve, this Assembly postpones the further consideration of this question to a later date, to enable the representatives of these two bodies to participate, if they so choose, in the deliberations of this Assembly."

DR. JAYAKAR'S ADDRESS

As has been reported in the Embassy's despatch no. 877 dated December 14, 1946 Dr. Jayakar has previously warned his colleagues in the Constituent Assembly against any "injudicious" steps which might prejudice future relations with the Muslim League members and urged them to "proceed cautiously".

In moving his amendment, which seeks to postpone further consideration of Mr. Nehru's resolution on the declaration of objectives, Dr. Jayakar told the Assembly that at this preliminary stage in the proceedings questions such as "laying down the fundamentals of the

constitution

constitution" could not be considered. He said that the Assembly was "no doubt a sovereign body", but recognized the fact that it is sovereign only "within the limitations of the paper" by which it was created. Sardar Vallabhbhai PATEL interrupted him to state categorically that "we have not accepted and this House is not going to accept any additions to the Cabinet Mission's statement of May 16". This is the first official indication of Congress policy toward the British statement of December 6 which favored the Muslim League interpretation of grouping.

Dr. Jayakar pointed out that the Indian States were absent from the Constituent Assembly at this stage not through their own desire, but because in the terms of the White Paper they could not be present during these preliminary negotiations. He went on to mention also the absence of the Muslim League members and recounted some of the difficulties surrounding the interpretation of the Cabinet Mission's May 16 proposal. Dr. Jayakar suggested that postponement of the resolution to a future date would save the Assembly trouble and labor, but added that most important was the fact that the resolution included points which intimately concerned the States and the Muslims and should not be decided in the absence of representatives of these groups. He also reminded the Assembly that the States had announced they would not deal with the Constituent Assembly if it were composed of only one party.

Dr. Jayakar urged his colleagues to translate Mr. Nehru's plea for "continued endeavor to secure the cooperation of all" into action, and demanded to know what possible harm there could be in postponing consideration of the resolution at least until January 20, 1947, the date on which the Assembly is scheduled to reconvene, thus making it less difficult for the Muslim League to join the Constituent Assembly. In conclusion he warned that if the resolution were passed at this stage it would be "wrong, illegal, premature, disastrous and dangerous".

Respectfully yours,

George R. Merrell

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Despatch no. 879
December 17, 1946
New Delhi, India

Enclosures:/

1. Press report of Nehru's speech, Statesman, December 14, 1946.
2. Statement issued by Sir C.P. Ramaswamy Iyer, Statesman, December 16, 1946.
3. Press report of Jayakar's address, Statesman, December 17, 1946.
(All clippings in quintuplicate)

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Original and hectograph to Department.

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Enclosure no. 1 to despatch no. 879 dated December 17, 1946 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Pandit Nehru's Resolution and Speech December 13; Reaction of States thereto; Dr. Jayakar's Amendment to Nehru's Resolution and Supporting Address December 16."

The Statesman, December 14, 1946

'REPUBLIC MOST SUITABLE FOR INDIA'

NEHRU MOVES MOTION IN CONSTITUENT ASSEMBLY

At a two-hour session on Friday morning the Constituent Assembly began the debate on the resolution on the declaration of objectives. Pandit Jawaharlal Nehru moved the resolution in a speech which was stirring and emotional in parts. Babu Purshottamdas Tandon seconded the resolution. The House adjourned till 3-0 p.m. on Monday to continue the debate.

Pandit Nehru moving the resolution on declaration of objectives said: "This resolution is not a part of the constitution that we are going to draw up; and it must not be looked upon as such. This House has perfect freedom to draw up a constitution and when others join this House they will have perfect freedom too to fashion out that constitution. This resolution steers in between two extremes (of saying too much and too little) and lays down only certain fundamentals which I believe no group, no party and hardly any individual in India can dispute.

Speaking with some bitterness about his recent visit to England and its outcome, Pandit Nehru said: "I was reluctant to go, for reasons that the House knows well, but I went because of a personal request from the Prime Minister of Great Britain. I went and I met with courtesy everywhere, and yet at this psychological moment in India's history, when we wanted, when we hungered for, messages of cheer, friendship and co-operation from all over the world, and more specially from England, because of the past contact and conflict between us, unfortunately, I came back without any message of cheer and with a large measure of disappointment.

"I hope that the new difficulties that have arisen—for new difficulties have arisen, as everyone knows, because of recent statements made by the British Cabinet and others in authority there—I hope these will not come in our way and we shall yet succeed in going ahead with the co-operation of all of us here and those who have not come.

"Nevertheless, it has been a blow to me, it has hurt me, that just when we were going to strike ahead, obstructions were placed in our way, new limitations were mentioned which had not been mentioned previously, new methods of procedure were suggested.

"India Wants No Advice"

"People have often indulged in, and presumed to give us, advice not realizing that India as she is constituted today wants no one's advice and no one's imposition (hear, hear), and that the only way to influence India is through friendship, co-operation and goodwill. Any element of imposition, the slightest trace of patronage is resented and will be objected to (cheers).

"We have tried honestly enough in the last few months, in spite of difficulties that have faced us, to create an atmosphere of co-operation. We shall continue that endeavour, but I do very much fear that that atmosphere will be impaired if there is no sufficient response from others. Nevertheless, because we are bent on high tasks, I do trust that we shall continue that endeavour, and I do hope that if we continue that, we shall succeed too."

Position Of States

Referring to the Indian States Pandit Nehru said: "Some people have pointed out to me that the mention of republic in the resolution may somewhat displease the rulers of Indian States. It is possible that this word may displease them. But I want to make it clear that personally I do not believe in the monarchical system anywhere, and that in the world today monarchy is a fast disappearing institution. Nevertheless, it is not a question of my personal belief in this matter.

"In regard to the States, our views have been for many years, first of all, that the people of these States must share completely in the freedom to come. It is quite inconceivable to me that there must be different standards or degrees of freedom as between the people in the States and the people outside the States.

"The States will be parts of the Union. That is a matter for this House to consider with representatives of the States, and I hope in all matters relating to the States this House will deal with the real representatives of the States.

"While we may lay down or agree that the measure of freedom must be the same in the States as elsewhere—personally, I should like a measure of uniformity in regard to the apparatus and machinery of government; nevertheless that is a point to be considered in co-operation and consultation with the States. I do not imagine this Constituent Assembly would like to impose anything upon the States against their will. If the people of a particular State desire to have a certain form of administration, even though it might be monarchical it is open to them to have it.

Pandit Nehru began by saying that the Assembly had to pass its rules of procedure, to elect committees and the like before it could proceed to its real work—embarking upon the "high adventure of giving shape in the printed and written word to a nation's dream and aspiration." But even at this stage it was surely desirable that they should give some indication to themselves, to those millions in the country who were looking up to them and the world at large, of what they aimed at, what they sought to achieve, whither they were going.

"It is with this purpose that I have placed this resolution before the House. It is something much more than a resolution; it is a declaration; it is a firm resolve; it is a pledge and an undertaking and it is for all of us, I hope, a dedication.

"A Nation's Passion"

"I wish this House, if I may say so respectfully, to consider this resolution not in a spirit of narrow legal wording but to look at the spirit behind the resolution. Words are magic things often enough, but even the magic of words sometimes cannot convey the magic of the human spirit and of a nation's spirit. And so I cannot say that this resolution at all conveys the passion that lies in the hearts and the minds of the Indian people today.

"It seeks very feebly to tell the world what we have sought and dreamed of for so long, and what we now hope to achieve in the near future. It is in that spirit that I venture to place this resolution before this House and it is in that spirit that I trust the House will receive it and ultimately pass it. May I also, with all respect, suggest to you and to the House that when the time comes for the passing of this resolution, that may not be done in the formal way of raising of hands, but much more solemnly by all of us standing up and thus taking this pledge anew.

Many Absentees

"The House knows that there are many absentees here; many members who have a right to come here have not come. We regret that because we should have liked to associate with ourselves as many representatives of as many different parts of India and as many different groups as possible. We have undertaken a tremendous task, and we seek the co-operation of all people in that task because the future of India that we have envisaged is not a future confined to any group, religious, provincial or other, but it comprises all the 400,000,000 people of India and it is with deep regret that we find some benches empty, some colleagues who might have been here absent.

"I do hope that they will come, and this House in its future stages will have the benefit of the co-operation of all.

"Meanwhile, there is a duty cast upon us and that is to bear the absentees in mind, to remember always that we are here not to function for one party or one group, but always to think of India as a whole, always to think of the welfare of the 400,000,000 that comprise India.

"There is another person who is absent here, and who must be in the minds of many of us, as he is in my mind as I stand here today, the greatest leader of our people, the father of our nation (cheers), who has been the architect of this Assembly and all that has gone before it and possibly of much that will follow. He is not here because in pursuit of his ideals he is ceaselessly working in a far corner of India, but I have no doubt that his spirit hovers over us and blesses our undertaking (more cheers).

"As I stand here, I feel the weight of all manner of things crowding around me. We are at the end of an era and, possibly even very soon, we shall embark on a new age. My mind goes back to the great past of India, to the 5000 years of India's history, to the very dawn of that history, which might be considered almost the dawn of human history, all this past exhilerates me and at the same time somewhat oppresses me.

"Am I worthy of that past? And then I think also of the future, the greater future I hope, and standing on this sword's edge of the present between this mighty past and the mightier future, I stumble a little and feel overwhelmed by this mighty task.

Referring to the large number of amendments which had been tabled, Pandit Nehru urged that the House should not lose itself in wordy quarrels and squabbles.

Content Of Democracy

Referring to the expression "Independent sovereign republic" in the resolution, Pandit Nehru said: "I will not go into the argument about monarchy and the rest, but obviously we cannot produce a monarchy for India out of nothing. It is not there. If it is to be an independent and sovereign State, we are not going to have external monarchies. It must inevitably be a republic."

Some friends had asked him why he had not put in the word "democratic". His reply was, "It is conceivable, of course, that a republic may not be democratic but all our past is witness to the fact that we stand for democratic institutions. Obviously we are aiming at democracy and nothing less than democracy. What form of democracy, what shape it might take, is another matter.

"Democracies of the present day, many of them in western Europe and elsewhere, have played a great part in the world's progress. Yet it may be doubtful if those democracies may not have to extend their content, change their shape somewhat, before long, if they have to remain completely democratic.

"We are not going just to copy, I hope, a certain democratic procedure or institution of so-called democratic countries. We may improve upon it. In any event, whatever system of government we may establish here must fit in with the temper of our people and be acceptable to them. We stand for democracy. It will be for this House to determine what shape we shall give to that democracy —the fullest democracy I hope.

"The House will notice that in this resolution, although we have not used the word democratic—because we thought that it was obvious that a republic contains that word and we did not want to use unnecessary and redundant words—we have done something much more than use the word. We have given the content of democracy in this resolution, and not only the content of democracy but the content, if I may say so, if economic democracy.

Socialist Republic

"Others may take objection to this resolution on the ground that we have not said that it should be a Socialist republic. I stand for Socialism, and I hope India will stand for Socialism and that India will go towards the constitution of a Socialist State and I do believe that the whole world will have to go that way.

"The form of Socialism again is another matter for your consideration, but the main thing is that in such a resolution, if in accordance with my own desire I do put in that we want a Socialist State, we put in something which may be agreeable to many and may not be agreeable to some, and we wanted this resolution not to be controversial in regard to such matters. Therefore we have laid down not theoretical words and formulae but rather the content of the thing we desire."

"We are going to make a constitution for India and it is obvious that what we are going to do in India will have a powerful effect on the rest of the world. Even today, on the verge of freedom as we are, India has begun to play an important part in world affairs. That part will grow and therefore it is right that the framers of our constitution should always bear this larger international aspect too in mind. We approach the world in a friendly way. We want to make friends with all countries. We want to make friends, in spite of the long history of conflict in the past, with England also."

Equality For All

Seconding the resolution Babu Purshottamdas Tandon said that the underlying theme of the resolution was equality. The different units of the country had been given autonomy, and the resolution added that India should however remain one with full sovereignty. There were amendments to the resolution asking for postponement of its consideration until such time as the Muslim League came into the Assembly.

While he was opposed to any postponement of the resolution, care should be taken, and in fact had been taken, to do nothing that would hurt the Muslim League. The resolution had stated that residuary powers should vest in the provinces. He personally was opposed to this in view of the recent disturbances in Bengal and other areas, but he would not raise any objection for two reasons, first of all in order not to offend the League, and secondly because the statement of May 16, which was the foundation of the Constituent Assembly, said that the residuary powers should go to the provinces.

Comprehensive Resolution

Opposing amendments that sought to add to or substitute certain passages in the text of the resolution Mr Tandon said that the resolution had been drawn up in terms as comprehensive as possible without making it too detailed or cumbersome. The substitution of "working people" for "people" made the resolution narrower, for it was meant to apply to all the people, and not to any particular section of them.

He had hoped that with the coming of the Labour Party in power the British Government would reverse its previous policy of divide and rule, but he was disappointed to see that some of the recent statements aimed only at creating a breach among the people of India.

Dr Rajendra Prasad, President, said that 40 amendments had been received, and that the time for receiving amendments had now passed. He then adjourned the House till 3 p.m. on Monday.—API.

Enclosure no. 2 to despatch no. 879 dated December 17, 1946 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Pandit Nehru's Resolution and Speech December 13, Reaction of States thereto; Dr. Jayakar's Amendment to Nehru's Resolution and Supporting Address December 16."

The Statesman, December 16, 1946

STATES' RIGHT TO BE CONSULTED

NEHRU'S RESOLUTION "PREMATURE"

"Sir Stafford Cripps, on behalf of the British Government, has made it absolutely clear even if there had been any previous doubts on this subject, that during the transitional period of the Interim Government, the British Government could not and would not, in any circumstances, transfer Paramountcy to any other Government of British India and that when the transfer of power takes place in British India, those rights and obligations that are now comprised in what is termed Paramountcy will revert to the States," says Sir C. P. Ramaswamy Iyer in a statement.

He was referring to Pandit Nehru's resolution in the Constituent Assembly, which he feels is premature and likely to retard the process of mutual adjustment.

Sir C. P. Ramaswamy Iyer says: "It is felt by many that the system of monarchy, under proper safeguards, is not foreign to the genius of the people and is worth preserving, where it exists and is able to function satisfactorily. Whereas Pandit Jawaharlal Nehru has asserted that he is opposed to monarchy in any form.

"My present concern however, is not to enter into any controversy on such a topic, my desire is to point out the irreparable and grave consequences that would flow from the determination to go forward with the discussion of and voting upon the proposal now on the tapis before the Indian States have an opportunity to state their case in the Constituent Assembly.

"In the formulation of the objectives of the Constituent Assembly, States have a right to be consulted," adds Sir C. P. Ramaswamy Iyer, 'especially, as it is intended that the republic of the future will comprise the territories that now form the Indian States. It is also asserted in the resolution that all power and authority of sovereign independent India and its constituent parts should be derived from the people. Such a doctrine may or may not be incontestable, but there is no point in taking it for granted in Indian India, especially when we remember that in legal theory this doctrine is only imperfectly applicable even in England.

"In the course of his speech, Pandit Jawaharlal Nehru has stated that 'it is possible that the word republic may displease rulers of Indian States, but I want to make it clear that personally I do not believe in the monarchical system anywhere.'

No Particular Benefit

"There seems to be no particular benefit to be derived by a reference to monarchical figure heads at the stage of preliminary negotiation with those rulers who are not figure-heads and have to be persuaded to come into the scheme. The further assumption has been made that in the Constituent Assembly it is only the representatives of the peoples of the States and not the rulers or their representatives that have a right to take part. The argument is that British India will talk with the Princes in matters appertaining to them but the representatives of the States, who would join the Constituent Assembly, must be the representatives of the people.

"I wonder if it has been forgotten that only a very few of the States have at present any appropriate legislative or representative machinery at their disposal. Some of the larger States have already stated that representatives of the people of the States chosen from the existing legislative bodies would form part of the delegations of the respective States; but as a matter of practical politics the Constituent Assembly must realize that, under present conditions, the States cannot but be represented in some cases at least by the rulers or their duly accredited advisers.

"The procedure contemplated in the Cabinet Mission's proposal postulated a free and full discussion of all matters of difference and did not and could not have foreseen that one party should be able to lay down the law for another. To say, as Pandit Jawaharlal Nehru explains, that his resolution lays down certain fundamentals, which are not controversial, is to beg the question. Further to say that if anybody challenges his statement, the challenge will be accepted is to provoke a conflict when there need by none."—API.

Enclosure no. 3 to despatch no. 879 dated December 17, 1946 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject: "Indian Constituent Assembly: Pandit Nehru's Resolution and Speech December 13; Reaction of States thereto; Dr. Jayakar's Amendment to Nehru's Resolution and Supporting Address December 16."

The Statesman, December 17, 1946

AMENDMENT TO DEFER INDEPENDENCE RESOLUTION SOUGHT IN ASSEMBLY

Dr M. R. Jayakar on Monday moved an amendment in the Constituent Assembly, seeking postponement of further consideration of the resolution on the declaration of objectives.

Dr Jayakar's amendment sought to substitute the following for Pandit Nehru's resolution:—

"This Assembly declares its firm and solemn resolve that the constitution to be prepared by this Assembly for the future governance of India shall be for a free and democratic sovereign state; but with a view to securing, in the shaping of such a constitution, the co-operation of the Muslim League and the Indian States and thereby intensifying the firmness of this resolve, this Assembly postpones further consideration of this question to a later date, to enable the representatives of these two bodies to participate, if they so choose, in the deliberations of this Assembly."

Dr Jayakar said that his purpose in moving his amendment was to save the work of the Assembly from frustration. He was anxious that the work of the Assembly should not be made infructuous by their neglecting one or two difficulties which lay in their way.

He contended that at this stage, in this preliminary meeting of the Constituent Assembly, no question like laying down the fundamentals of the constitution could be considered. That the resolution was intended to lay down the fundamentals of the constitution even Pandit Nehru had admitted with his usual frankness. Even a cursory view of the resolution would reveal to them that a few things mentioned in the resolution were fundamentals of the constitution, e.g. mention of a republic, union, present boundaries, residuary powers, powers being derived from the people, minority rights, etc. Within the limits of the Cabinet Mission's statement, the Assembly had no power to lay down any fundamentals, however sketchy they might be, of the constitution at this stage. That must wait till the stage at which the States and the Muslim League would be present.

"We are no doubt a sovereign body," said Dr Jayakar, "but we are sovereign within the limitations of the paper by which we were created. We cannot go outside those limitations except by agreement; and two parties (the States and the League) being absent, no agreement can be thought of. If the idea of some people is to ignore those limitations altogether and turn this Constituent Assembly into a force for gaining political power, irrespective of the limitation of this paper, to seize power and thereby create a revolution in the country, that is outside the present plan and I have nothing to say about it. But as the Congress has accepted this paper in its entirety, it is bound by the limitations of that paper."

Mr Kiran Shanker Roy: This is a point of order and should be disposed of first.

President: He is not raising a point of order as far as I understand.

Dr Pattabhi Sitaramayya: This is a motion for postponement of consideration of this subject and should be viewed as such.

Legal Difficulties

President: I do not think it is a motion of adjournment either. He wants the resolution to be discussed but he places before the House his own point of view with regard to the advisability or otherwise of considering it at this stage, and in doing so he points out there are certain legal difficulties also in the way.

Mr K. Santhanam said that if Dr Jayakar's argument was correct, the first sentence of his own resolution was out of order.

Dr Jayakar: I have no objection, if that is the sense of the House, to deleting that part of my motion if the remaining part is allowed to stand. Even if you treat it as a motion for adjournment, I can move it before other amendments are considered.

President: If Dr Jayakar's legal argument is correct, then the resolution moved by Pandit Nehru is out of order and this point should have been raised at the time when the resolution was moved. At this stage, I do not think that a point of order can be raised. Therefore we have to take both the amendments and the resolution as being in order and proceed with the discussion.

States Not To Blame

The Indian States, said Dr Jayakar, were absent for no fault of theirs because in the terms of the White Paper they could not be present at this stage. As regards the Muslim League, the position was rather difficult and he thought very grave too. The League had obtained three or four important concessions. He understood that the question of interpretation about grouping and sections was going to be referred to the Federal Court, but it was clear that they could not go to the Federal Court on the last point made by the Muslim League, namely that if a large section of people was not represented at the constitution-making, HMG would not be willing to force such a constitution upon unwilling parts of the country.

It was not a question of interpretation but an additional point which had been given to the Muslim League by way of addition to the statement of May 16. "It is a substantive point which has been conceded to the Muslim League, contrary to what Mr Attlee on March 15 this year in the House of Commons said in so many

words: that 'we (HMG) shall give all protection to minority rights but no minority will be allowed to veto the progress of the majority'."

Sardar Vallabhbhai Patel: May I know whether Dr Jayakar is interpreting here the policy of HMG? All these concessions which he is referring to are in addition to or over and above, the White Paper statement. We have not accepted them and this House is not going to accept any additions.

Point Gained By League

Dr Jayakar said that he was not asking Sardar Patel to accept any addition. He was pointing out the difficulties in the way. If Sardar Patel thought this was an addition which they ought to reject, he (Dr Jayakar) had heared nothing to that effect so far. If the Assembly proposed to do that it was welcome to take that course but at present he was perfectly entitled to say that this was a point which the Muslim League had gained in addition to the May 16 document and this point raised a difficulty.

What would happen if a community like the Muslim community was not represented at the constitution-making? Sir Stafford Cripps had interpreted "unwilling parts of the country" to mean any parts of India where Muslims were in a majority. The effect of this interpretation would be that a constitution framed by the Constituent Assembly in the absence of the Muslim community would not be forced on those parts of the country. Whether any other community could take advantage of Sir Stafford Cripps's dictum, he (Dr Jayakar) did not know. That was a matter for interpretation.

This particular addition had been hailed in England by certain sections. Mr Churchill called it "an important milestone in the long journey." Whether this was an important milestone or a most dubious milestone they were not concerned with, but the fact was that the Muslims had got this right at the present moment.

Not Binding On League

If they chose to remain absent from the Assembly's deliberations, whatever the reason, whatever constitution the Assembly might frame in their absence could perhaps be binding upon Section A, but it was very doubtful whether it would bind Sections B and C and the result would be that "if you accept the resolution today in the absence of the Muslim League and the Indian States, that is not binding on the Muslim League at all."

That raised the question whether it would not be wise, merely as a means of saving the Assembly trouble and labour, to postpone the resolution to a future date. It was, to put it at the least, a saving of labour. But it was something more than that; there were points in the resolution in which the States and the Muslims were most intimately concerned. The resolution spoke of a republic. He personally had no objection to that expression, but certainly the States were entiled to express their view.

If the Muslim League did not come in, the States would not come in. They had made it perfectly clear more than once, and in the House of Commons debate it was stated very clearly that the States would not deal with the Constituent Assembly if it was composed of one party only.

Sardar Patel: Dr Jayakar is not representing the States here and no State representative has yet stated that if the League is not present the States also will not be present.

Dr Jayakar: I am not representing the States to you. I am stating what was stated in the House of Commons. Why can't I do that?

The probability was—and this was made clear in the Commons—that if the League did not come in, the States would not come in.

The result might be that there would be another Constituent Assembly—as Mr Jinnah wanted—for the purpose of framing a constitution for Sections B and C and a third constitution for the States. He did not want to express any opinion on whether the Hindus and Sikhs of the Punjab and the Hindus of Bengal and Assam could take advantage of the dictum (that the constitution would not be forced on unwilling parts of the country) which had now been interpreted only in reference to the Muslims. "Instead of having one Hindustan, we may be forced to the necessity of having a Hindustan constitution, a Pakistan constitution and a Rajastan constitution also. Your Union at the Centre will go; it cannot be established."

At present there was provision for a Union Centre, even if it was an attenuated one, and every effort ought to be made to retain it. He urged that Pandit Nehru's plea for continued endeavour to secure the co-operation of all should be translated into action. What was the harm in waiting for a few weeks until the Muslim League, by a formal resolution, declared its intention, he asked. "You are not meeting till January 20 I understand. What is the harm in postponing the final vote on this resolution till then? Are the heavens going to fall? You are not going to do anything substantial until January 20. By that time the League should have taken its decision. It is not a question of doing anything which the Muslim League may object to; it is a question of giving them the right to be there during the deliberations. Save the work of this Constituent Assembly from being put into jeopardy, made infructuous. Supposing the Muslim League does not come in by January 20, do what you like. But why don't you wait a little while and make it less difficult for the Muslim League to come in? Miles away from here is working that solitary figure whose steps we propose to follow, the great Mahatma.

"Alone, stinted in sleep, stinted in food, stinted in health he is trying to win over the Muslim community by an extra dose of co-operation and goodwill. Why can't we follow his example here?"

Dr Jayakar's Warning

Dr Jayakar said that if they passed the resolution at this stage, it would be "wrong, illegal, premature, disastrous and dangerous" and would lead them into trouble.

Dr Jayakar was cheered at the end of his speech.

The Chairman, Dr Rajendra Prasad, ruled out of order an amendment moved by Sir Hari Singh Gour to Dr Jayakar's substitute resolution. Sir Hari Singh's amendment sought to delete from Dr Jayakar's amendment the passage asking for a postponement of further consideration of the resolution to a later date and expressed the opinion that the demand made by the Muslim League for Pakistan was suicidal and that it was in the interests of the Muslims and other minorities to institute joint electorates with reservation of seats for the next five years. It further laid down that no member of one community be deemed to be elected unless he polled a certain percentage of votes of the other community.

Also In Order

Sir Hari Singh argued that if Dr Jayakar's amendment, which sought to postpone further consideration of the resolution to an indeterminate period was in order, then surely his amendment which really sought to amend the original resolution was also in order.

Dr Rajendra Prasad ruled that Sir Hari Singh Gour's amendment went much beyond the scope of Dr Jayakar's resolution and hence was out of order.

The Chair also ruled out of order Mr Somnath Lahiri's (Communist) substitute resolution on the grounds, firstly, that it directed the Assembly here and now to declare India a republic, and secondly, it called upon the Interim Government to act in a particular way.

Mr Lahiri submitted that Dr Jayakar's substitute resolution which wanted a postponement of the discussion was in fact a kind of action. If so, his substitute resolution also suggested a certain course of action and hence was in order. He recalled a ruling given by Dr Rajendra Prasad as Congress President of an AICC meeting when Pandit Nehru moved a resolution on India and the war and Mr Lahiri was permitted to move an amendment suggesting a certain course of action to be taken.

Dr Rajendra Prasad remarked that his ruling elsewhere could not be a precedent here.

Rai Bahadur Syamanandan Sahaya moved two amendments. The first asked inter alia for the establishment of an independent sovereign republic of India "without the shortest possible time".

By the second amendment, Mr. Sahaya wanted to delete reference to States in respect of derivation of power and authority from the people.

Mr. Sahaya said that it had been argued by some Ministers in States that so far as the States were concerned, power was derived from their respective sovereigns and not from the people. This was a matter on which there could be honest difference of opinion and it would not be proper for the Constituent Assembly to pass the resolution as it stood.

"Sacred" Resolution

Mr. Sri Krishna Sinha, Premier of Bihar, supporting the original resolution moved by Pandit Nehru, deplored the fact that it was unfortunate that a resolution of such a sacred nature should have been subjected to amendments. "I purposely call it sacred," the Bihar Premier said, "because by that resolution an attempt is made to give expression to the aspiration to be free which has moved this vast continent for so many years. It gives a picture of the vision of the future India. After untold sufferings, sacrifice, revolutions and bloodbaths the principle had been established in many parts of the world that political poper was derived from the people. And it was to establish and achieve this right that we in India had been fighting against British imperialism"

Mr Sri Krishna Sinha added: "I have been in a position from which I can form my own opinion as to whether there is any sincerity behind this talk of a peaceful transfer of power. We are assembled here today because we have succeeded in compelling those who still look up and still entertain the dream to govern India under the Act of 1935."

Referring to Dr Jayakar's amendment, Mr Sinha thought that the House did not require a speech from Dr Jayakar dealing with the difficulties. The Assembly knew the difficulties and, if he understood Dr Jayakar aright, he (Dr Jayakar, did not give them a counsel of despair, but was ready to ask them to go ahead if their friends in the Muslim League were obdurate enough not to come. Pandit Nehru had made it clear how anxious they were all to see the Muslim League occupy its rightful place in the Constituent Assembly.

Mr Sinha added that he failed to understand how this particular resolution could stand in the way of the League coming to the Assembly at a future date. If they had understood the State Paper correctly, it was that the future of India was to be a United India and the future India might also decide to stay out of the British Commonwealth if the people so decided.

From the pronouncements made by Muslim League leaders, everybody could come to the conclusion that the League also stood for a free and independent India. In such an India, power should rest with the people inhabiting the country.

"Our task," Mr Sinha said, "is sacred and arduous. It is arduous not only because of the difficulties pointed out by Dr Jayakar, but also because of the attitude of British statesmen. From my personal experience as an administrator, I do not feel encouraged in the belief that Britishers have made up their mind for a peaceful transfer of power to the people of India."

Bihar Riots

Mr Sinha criticized Mr Churchill's reference to the Bihar riots in the Commons debate, and said: "The Bihar Government did not hesitate for one single moment in using force, and used whatever force it had. It gave protection to lakhs of Muslims in the province."

"The Bihar Government is a proud Government," Mr Sinha added. "It is not going to be dictated to by the Government of India so long as it is constitued under the 1935 Act, even though that Government may nave men like Pandit Nehru who is our ltader and a source of inspiration."—API.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

DIVISION OF FR

1947 JAN 17 AM 9 01

MAILROOM

AMERICAN EMBASSY

New Delhi, India, December 16, 1946

RESTRICTED

NO. 884

SUBJECT: Transmittal of Message and Address of Dr. Sinha.

RECEIVED
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

DIVISION OF NEAR EASTERN AFFAIRS
DEPARTMENT OF STATE

845.032/12-1846

SIR:

I have the honor to refer to the Acting Secretary of State's message of October 3, 1946 for Dr. Sachchidananda SINHA who presided over the first sessions of the Constituent Assembly as Provisional Chairman, and to transmit herewith the original of Dr. Sinha's reply. There is also enclosed an additional copy of Dr. Sinha's inaugural address which he sent to me with the request that it be forwarded to the Secretary of State. Other copies had been transmitted with the Embassy's despatch no. 872 dated December 11, 1946.

Respectfully yours,

George R. Merrell

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Enclosures:

1. Reply from Dr. Sinha to Acting Secretary's message.
2. Single copy of Dr. Sinha's inaugural address delivered December 9, 1946.

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G.R.Merrell:meh

Original and hectograph to Department.

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Enclosure no. 1 to despatch no. 884 dated December 18, 1946 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Transmittal of Message and Address of Dr. Sinha."

On behalf of myself, and on that of the Constituent Assembly of India, I desire to thank you most warmly for your exceedingly kind message of goodwill and good wishes, which has been highly appreciated by the Constituent Assembly, and the country. It is a source of great encouragement to us to feel that the Government and the people of the United States are watching our deliberations with keen and sympathetic interest, and we feel sure that their sympathy will stand us in good stead in evolving a democratic constitution for India.

Sachchidananda Sinha

Enclosure no. 2 to despatch no. 884 dated December 18, 1946 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Transmittal of Message and Address of Dr. Sinha."

INAUGURAL ADDRESS DELIVERED BY THE PRESIDENT,
Dr. SACHCHIDANAND SINHA, AT THE OPENING SESSION
OF THE CONSTITUENT ASSEMBLY, ON THE 9TH DEC., 1946.

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Hon'ble Members of the First Indian Constituent Assembly,

I am deeply beholden to you for your having agreed to accept me as the first President of your Constituent Assembly, which will enable me to assist you in transacting the preliminary business before the House -- such as the election of a permanent President, the framing of the rules of business, the appointment of various Committees, and settling the question of giving publicity to, or keeping confidential, your proceedings — which will ultimately lead you to crown your labours by formulating a suitable and stable constitution for an Independent India. In expressing my sense of appreciation of your great kindness, I cannot conceal from myself that I feel --- comparing small things with great — that I am, on the present occasion in the position in which Lord Palmerston found himself when Queen Victoria offered him the highest Order of Chivalry, namely the Knighthood of the Garter. In accepting the Queen's offer, Lord Palmerston wrote to a friend as follows:- "I have gratefully accepted Her Majesty's gracious offer as, thank God, there is no question of any damned merit about the honour conferred on me." I say I find myself more or less in the same position, for you have agreed to accept me as your President on the sole ground that I am, in age, the senior-most member of this Assembly. Whatever the ground, however, on which you have chosen to have me as your first President, I am nonetheless profoundly grateful to you. I have had, in my fairly long life, several honours conferred on me in recognition of my services as a humble worker in public interest, but I assure you that I regard your mark of favour as a signal honour, which I shall cherish throughout the rest of my life.

On this historic and memorable occasion, you will not grudge, I am sure, if I venture to address to you some observations on certain aspects of what is called a Constituent Assembly. This political method of devising a constitution for a country has not been known to our fellow-subjects in Britain, for the simple reason,

that under the British Constitution, there is no such thing as a constituent law, it being a cherished privilege of the British Parliament, as the sole sovereign authority, to make and unmake all laws, including the constitutional law of the country. As such, we have to look to countries other than Britain to be able to form a correct estimate of the position of a Constituent Assembly. In Europe, the oldest Republic, that of Switzerland, has not had a Constituent Law, in the ordinary sense of that term, for it came into existence, on a much smaller scale than it now exists, due to historic causes and accidents, several centuries back. Nevertheless, the present constitutional system of Switzerland has several notable and instructive features, which have strongly been recommended by qualified authorities to Indian constitution-makers, and I have no doubt that this great Assembly will study carefully the Swiss constitution, and try to utilize it to the best advantage in the interest of preparing a suitable constitution for a free and independent India.

The only other State in Europe, to the constitution of which we could turn with some advantage, is that of France, the first Constituent Assembly of which (called "The French National Assembly") was convoked in 1789, after the French Revolution had succeeded in over-throwing the French monarchy. But the French Republican system of Government had been changed since then, from time to time, and is even now, more or less, in the melting pot. Though, therefore, you may not be able to derive as much advantage from a study of the French system of constituent law as that of the Swiss, that is no reason why you should not seek to derive what advantage you can in the preparation of the task before you, by a study of it.

As a matter of fact, the French constitution-makers, who met in 1789 at the first Constituent Assembly of their country, were themselves largely influenced by the work done but a couple of years earlier, in 1787, by the historic constitutional convention held at Philadelphia by the American constitution-makers, for their country. Having thrown off their allegiance to the British

... King in Parliament,

King in Parliament, they met and drew up what had been regarded, and justly so, as the soundest, and most practical and workable republican constitution in existence. It is this great constitution, which had been naturally taken as the model for all subsequent constitutions not only of France, but also of the self-governing Dominions of the British Commonwealth, like Canada, Australia, and South Africa; and I have no doubt that you will also, in the nature of things, pay in the course of your work, greater attention to the provisions of the American Constitution than to those of any other.

I have referred above to the self-governing constitutions of the great Dominions of the British Commonwealth being based on, to a large extent, if not actually derived from, the American constitutional system. The first to benefit by the American system was Canada, the historic convention of which country, for drawing up a self-governing constitution, met in 1864, at Quebec. This convention drew up the Canadian constitution, which was subsequently embodied in what is still on the Statute Book as the British North American Act, passed by the British Parliament in 1867. You may be interested to hear that the Quebec convention consisted of only 33 delegates from all the provinces of Canada, and, that convention of 33 representatives issued as many as 74 resolutions, which were afterwards duly incorporated <u>in toto</u> in the British North American Act, under the provisions of which the first self-governing Dominion of the British Commonwealth of Canada, came into existence, in 1867. The British Parliament accepted the Canadian convention's scheme in its entirety, except for making only one drafting amendment. I hope and pray, Honourable Members, that your labours may be crowned with a similar success.

The American constitutional system was more or less adopted the schemes prepared for framing the constitutions of Australia and South Africa, which shows that the results achieved by the American convention, held at Philadelphia in 1787, had been accepted by the world as a model for framing independent federal

..constitutions for

constitutions for various countries. It is for these reasons that I have felt justified in inviting your attention to the American system of constituent and constitutional law as one which should be carefully studied by you — not necessarily for wholesale adoption, but for the judicious adaptation of its provisions to the necessities and requirements of your own country, with such modifications as may be necessary or essential owing to the peculiar conditions of our social, economic and political life. I have done so as according to Munro — a standard authority on the subject — the American constitution is based on "a series of agreements as well as a series of compromises". I may venture to add, as a result of my long experience of public life for now nearly half a century, that reasonable agreements and judicious compromises are, nowhere more called for than in framing a constitution for a country like India.

In commending to you for your careful consideration and acceptance, with reasonable agreements and judicious compromises, the fundamental principles of the American system, I cannot do better than quote the striking observations on the subject of the greatest British authority, namely Viscount Bryce, who in his monumental work, called the <u>American Commonwealth</u>, writes as follows, putting in a very few lines the substance of the fundamental principles of the American constitution. "Its central, or national Government is not a mere league, for it does not wholly depend on the component communities which we call the States. It is itself a Commonwealth, as well as a union of commonwealths, because it claims directly the obedience of every citizen, and acts immediately upon him through its courts and executive officers. Still less are the minor communities, the States, mere subdivisions of the Union, mere creatures of the National Government, like the counties of England, or the departments of France. They have over their citizens an authority which is their own, and not delegated by the Central Government."

It may possibly be that in some such scheme, skilfully adapted to our own requirements, a satisfactory solution may be found for

.... a constitution

a constitution for an Independent India, which may satisfy the reasonable expectations and legitimate aspirations of almost all the leading political parties in the country. Having quoted the greatest British authority on the great, inherent, merits of the American Constitution, you will, I hope, bear with me a fairly long quotation from the greatest American jurist, Joseph Story. In concluding his celebrated book, called "Commentaries on the Constitution of the United States", he made certain striking and inspiring observations which I present to you as worthy of your attention:- Said Story:-

"Let the American youth never forget, that they possess in their constitution a noble inheritance, bought by the toils, and sufferings, and blood of their ancestors; and capable, if wisely improved, and faithfully guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of liberty, property, religion, and independence. The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful, as well as useful; its arrangements are full of wisdom and order; and its defences are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour by the folly, or corruption, or negligence of its only keepers, THE PEOPLE. Republics are created — these are the words which I commend to you for your consideration — by the virtue, public spirit, and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people, in order to betray them".

To quote yet one more leading authority on the almost ideal Constitution of America James Beck (at one time Solicitor-General of the United States) says in his highly instructive book called "The Constitution of the United States — Yesterday, Today and Tomorrow":- "Constitutions, as a governmental panacea, have come and gone; but it can be said of the American Constitution,

paraphrasing the noble tribute of Dr. Johnson to the immortal fame of Shakespeare, that the stream of time which has washed away the dissoluble fabric of many other paper constitutions has left almost untouched its adamantine strength. Excepting the first ten amendments, which were virtually a part of the original charter, only nine others have been adopted in more than one hundred and thirty years. What other form of government has better stood the test of time?" Honourable Members, my prayer is that the Constitution that you are going to plan may similarly be reared for 'immortality', if the work of man may justly aspire to such a title, and it may be a structure of 'adamantine strength', which will outlast and overcome all present and future destructive forces.

II.

Having invited your attention to some aspects of the question of constitution-making in Europe and America, I may now profitably turn to some aspects of the question in our own country. The first definite reference to a Constituent Assembly (though not under those words or under that particular name) I have found in a statement of Mahatma Gandhi, made so far back as 1922. Mahatmaji wrote:- "Swaraj will not be a free gift of the British Parliament. It will be a declaration of India's full self-expression, expressed through an Act of Parliament. But it will be merely a courteous ratification of the declared wish of the people of India. The ratification will be a treaty to which Britain will be a party. The British Parliament, when the settlement comes, will ratify the wishes of the people of India as expressed through the freely chosen representatives". The demand made by Mahatma Gandhi for a Constituent Assembly, composed of the "freely chosen representatives" of the people of India, was affirmed, from time to time, by various public bodies and political leaders, but it was not till May, 1934, that the Swaraj party, which was then formed at Ranchi, (in Bihar) formulated a scheme in which the following resolution was included:- "This Conference claims for India the right of self-determination, and the only method of applying that principle is to convene a Constituent Assembly, representative of all sections of the Indian people, to frame an acceptable

.... Constitution".

constitution". The policy embodied in this resolution was approved by the All-India Congress Committee, which met at Patna - the Capital of Bihar - a few days later, in May, 1934; and it was thus that the scheme of a Constituent Assembly for framing the Indian Constitution was officially adopted by the Indian National Congress.

The above resolution was confirmed at the session of the Congress held at Faizpur in December, 1936. The confirming resolution declared that "the Congress stands for a genuine democratic State in India where political power has been transferred to the people, as a whole, and the Government is under their effective control. Such a State can only come into existence through a Constituent Assembly having the power to determine finally the constitution of the country". In November, 1939, the Congress Working Committee adopted a resolution which declared that "recognition of India's independence and the right of her people to frame their constitution through a Constituent Assembly is essential". I may add that in the resolutions from which I have quoted above (those adopted at the Congress Working Committee of November, 1939, and at the Faizpur session of the Congress of 1936) it was declared that the Constituent Assembly should be elected on the basis of adult suffrage. Since the Congress gave a lead on the subject in 1934, the idea of a Constituent Assembly had come to prevail largely as an article of faith in almost all the politically-minded classes in the country.

But until the adoption of the resolution on Pakistan, in March 1940, by the Muslim League, that political organization had not favoured the idea of a Constituent Assembly as a proper and suitable method for framing a constitution for this country. After the adoption of that resolution, however, the attitude of the Muslim League seems to have undergone a change in favour of the idea of a Constituent Assembly - one for the areas claimed by the League for a separate Muslim State, and the other for the rest of India. Thus it may be stated that the idea of a Constituent Assembly, as the only direct means for the framing of a constitution in this country, came to be entertained and accepted by the two major political parties in 1940, with this difference that while the Congress

....desired one

desired one Constituent Assembly for India, as a whole, the Muslim League wanted two Constituent Assemblies, in accordance with its demand for two separate States in the country. Any way, whether one or two, the idea of a Constituent Assembly being the proper method for the framing of a constitution had clearly dawned by that time on public consciousness in the country, and it was with reference to that great mental upheaval that Pandit Jawaharlal Nehru declared that "it means a nation on the move, fashioning for itself a new Government of its own making, through their elected representatives".

It remains to add that the conception of a Constituent Assembly as the most appropriate method for framing the constitution of India had also found favour with the members of the Sapru Committee in the report of which, issued last year (1945), is formulated a definite scheme for the composition of a Constituent Assembly. We are meeting, however, in this Assembly today, under the scheme propounded by the British Cabinet Mission, which, though differing from the suggestions made on the subject by the Congress, the League, and other political organizations, had devised a scheme which, though not by all, had been accepted by many political parties, and also by large sections of the politically-minded classes in the country but also by those not belonging to any political party, as one well worth giving a trial, with a view to end the political deadlock, which had obtained for now many years past, and frustrated our aims and aspirations. I have no desire to go further into the merits of the British Cabinet Mission's scheme as that might lead me to trespass on controversial ground, which I have no desire to traverse on the present occasion. I am aware that some parts of the scheme, propounded by the British Cabinet Mission, have been the subject of acute controversies between some of the political parties amongst us, and I do not want, therefore, to rush in where even political angels might well fear to tread.

Hon'ble Members, I fear I have trespassed long on your patience, and should now bring my remarks to a close. My only justification for having detained you so long is the uniqueness of this great

... and memorable

and memorable occasion in the history of India, the enthusiasm with which this Constituent Assembly had been welcomed by large classes of people in this country, the keen interest which matters relating to it had evoked amongst various communities, and the prospect which it holds out for the final settlement of the problem of all problems, and the issue of all issues, namely, the political independence of India, and her economic freedom. I wish your labours success, and invoke Divine blessings that your proceedings may be marked not only by good sense, public spirit, and genuine patriotism, but also by wisdom, toleration, justice, and fairness to all; and above all with a vision which may restore India to her pristine glory and give her a place of honour and equality amongst the great nations of the world. Let us not forget to justify the pride of the great Indian poet, Iqbal, and his faith in the immortality of the destiny of our great, historic, and ancient country, when he summed up in these beautiful lines:

Yunan o Misr o Roma sab mit gaye jahan se,
Baqi abhi talak hai nam o nishan hamara.
Kuchh bat hai ke hasti mit-ti nahin hamari,
Sadion raha hai dushman daur-e jahan hamara.

It means: "Greece, Egypt, and Rome, have all disappeared from the surface of the Earth; but the name and fame of India, our country has survived the ravages of Time and the cataclysms of ages. Surely, surely, there is an eternal element in us which had frustrated all attempts at our obliteration, in spite of the fact that the heavens themselves had revolved for centuries, and centuries, and centuries, in a spirit of hostility and enmity towards us." I particularly ask of you for a broad and catholic vision, for as the Bible justly teaches us:-

"Where there is no vision the people perish".

(Applause)

"300 -- 9.12.46"

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY
NEW DELHI, INDIA

UNRESTRICTED

No. 886

December 21, 1946

Subject: Indian Constituent Assembly: Further Debate on Pandit Nehru's Resolution; Dr. Ambedkar's Criticisms; Pandit Kunzru's Warning against Hasty Decision; Other Views.

The Honorable
The Secretary of State,
Washington, D.C.

Sir:

I have the honor to summarize below the principal speeches made in the Constituent Assembly from December 17 to 19, 1946, concerning Pandit NEHRU's resolution on the objectives of this Assembly, and to enclose copies of the press reports of the complete debates for these three days as published in the Statesman of December 18 to 20.

PRELIMINARY SPEECHES ON DECEMBER 17

An officer of the Embassy attended the debates of the Constituent Assembly on December 17, which began after Mrs. Vijaya Lakshmi PANDIT presented her credentials and was welcomed by the President, whose short speech was several times interrupted by cheers. The first speaker was Mr. M. R. MASANI (Parsi), who supported the resolution and pointed out that no safeguards could protect small minorities in any country unless every effort was made to become a more homogenous nation. "That process" he said, "has been shown to us in the United States, where people of different racial strains have come together and, with one unfortunate exception, have been absorbed in the common nation." Mr. Frank ANTHONY (Anglo-India leader and member of the Indian Delegation to UNO) followed with a short speech supporting Dr. JAYAKAR's substitute resolution, because "it is dictated by humility and by considerations of statesmanship." The next speaker, Dr. Shyama Prosad MOOKERJEE (Hindu Mahasabha) opposed Dr. Jayakar's resolution amendment on the grounds that there was no guarantee that the Muslim League would come into the Assembly if a decision on the resolution was postponed.

Dr. AMBEDKAR's

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DR. AMBEDKAR's CRITICISMS OF NEHRU'S RESOLUTION

The President next called upon Dr. Ambedkar who was applauded at the beginning of his speech which was notable for the impact which it had on the obviously unwilling minds of his listeners. He began by admitting that he was "probably one of the leaders of a warring camp", but affirmed his conviction that "nothing in the world will prevent this country from becoming one", an observation which was greeted with cheers. He supported Dr. Jayakar's substitute resolution as an act of greatest statesmanship and appealed to the Assembly to "set aside slogans which frighten people", making every effort to allow the Muslim League to participate in the Assembly. He pointed out that, though the Congress had insisted on the unity of India, it had conceded too much provincial autonomy; he himself preferred a strong central Government and he criticized the resolution for not having referred directly to grouping in its third paragraph, as he understood that the Congress had already agreed that provinces could form groups if they so desired. Though taking no exception to clauses 5 to 7 of the resolution, Dr. Ambedkar expressed disappointment that no clause has been inserted guaranteeing (as in the American Constitution) that no person should be deprived of life, liberty or property without due process of law. He stated that the passage of the resolution would in fact keep the Muslim League from coming in, that the resolution might be inconsistent with the Cabinet Mission plan, and that, "if any war should come in this country" over the grouping issue, "it would not be a war on the British, but a war on the British and Muslims combined". He concluded with a quotation from Burke's "Conciliation with America" on the dangers and uncertainties which might arise from the use of forceful measures to solve the prevailing differences of opinion.

SUBSEQUENT SPEECHES OF DECEMBER 17 .. 18

The debates on December 17 ended with two short speeches by the Sikh representative Sardar Ujjal SINGH and Mr. S. GOVINDDAS (Central Provinces) both of whom supported the immediate passage of the resolution.

The December 18 debates were opened by the Reverend J. J. M. NICHOLS-ROY, representing the Christians of Assam, who supported the resolution as did Mr. R. K. SIDHWA (Sind) and Mr. Biswanath DAS, former Premier of Orissa. Pandit H. N. KUNZRU, elected from the United Provinces and President of the Servants of India Society, spoke in favor of Dr. Jayakar's resolution. He welcomed the news that the next session of the Constituent Assembly

would

would be held on January 20 and stated that a unilateral decision should not be insisted upon, as a slight delay would strengthen the position of the Assembly in dealing with this important subject, and, in any case, the Assembly could not allow itself to be frustrated by the intransigence of one party. He referred to the British Government's promise that a minority would not be allowed to veto the progress of India and saw no reason why any province should be compelled to enter a group, as the position of the provinces so compelled could be considered when the reports of Section Committees were presented to the Assembly. He further insisted that the Assembly would not be morally able to refuse to representatives of the Muslim League and the States a reconsideration of the questions they might wish to raise in case the resolution were passed. He concluded that there would be no use in exercizing the Assembly's rights in passing the resolution if such action "only adds to that discontent and unrest which it is our desire to allay."

FURTHER DEBATES DECEMBER 18 - 19

Pandit Kunzru was followed by Sir N. Gopalaswamy AYYANGAR, former Prime Minister of Kashmir and member of the Council of State, who supported the original resolution and considered that Dr. Jayakar's proposal lacked imagination. He said that there was no use referring the grouping question to the Federal Court, in view of the British Government's decision as expressed in its statement of December 6 and the recent debates in both the House of Commons and the House of Lords. He suggested that a resolution might be introduced to modify Clause 19(5) of the Cabinet Mission's statement of May 16 so as to provide that the method of voting should be by provinces within the Sections with regard to the grouping issue. He also expressed the opinion that whatever sovereignty the British Government exercized over these states would in fact be conceded to the people of the Indian States and that the Assembly might guarantee the territorial integrity of these States, which are on the same level as the provinces with relation to the Central Government.

The Communist member, Mr. S. LAHIRI opened the debate on December 19 with a long and involved speech, not exactly opposing the resolution, but alleging that it would enable the British to establish themselves more firmly than in the past and urging that full power be seized by revolutionary means. He was followed by Mrs. Hansa MEHTA (President of the All India Women's Conference) who supported the resolution as did Mr. B. R. THAKORE (Scheduled Castes) who repudiated the claim of the Muslim League to take Bengal into Pakistan. Mr. Jaipal SINGH, representative of the Adibasis in Bihar (though there

are large numbers of these tribal people in Berar as well), supported the resolution as did the remaining speakers: Mr. D. P. KHAITAN (a Bengal industrialist), Sir H.S. GOUR (Central Provinces) and Mrs. VELAYUDHAN (Scheduled Castes).

The most notable speech of this session was given by Sir A. Krishnaswamy AIYAR, former Advocate-General of Madras, who strongly supported the resolution as quite consistent with the Cabinet Mission's statement, as a necessary "directing objective" for the Assembly, and as containing nothing to which the Muslim League or the States could take exception. He did not believe that it would be possible for hereditary rulers to maintain themselves on the basis of "the divine right of Kings", a medieval and archaic creed, nor that the formation of groups was an essential part of the constitutional structure. He concluded by stating that he saw nothing in the resolution to prevent provinces from forming themselves into groups.

Respectfully yours,

For the Charge d'Affaires, a.i.:

T. Eliot Weil

T. Eliot Weil
Secretary of Embassy

Enclosures (in quadruplicate to the Department):

1. Clipping from the Statesman, Dec 18, entitled: "Ambedkar Asks For Tolerance By Majority Party ....."
2. Clipping from the Statesman, Dec 19, entitled: "Kunzru Opposes Independence Resolution".
3. Clipping from the Statesman, Dec 20, entitled: "Independence Resolution A Directing Goal - Sir A. Krishnaswami Aiyar's Appeal".

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To the Department in original and hectograph.

Copies to: AmEmbassy, London.
" Moscow.
" Nanking.
American Consulate General, Bombay.
" " " Calcutta.

Enclosure No. 1 to Despatch No. 889 of December 21, 1946, from George R. Merrell, Charge d'Affaires, a.i. at New Delhi, India, on subject of "Indian Constituent Assembly: Further Debate on Pandit Nehru's Resolution; Dr. Ambedkar's Criticisms; Pandit Kunzru's Warning against Hasty Decision; Other Views."

THE STATESMAN, December 18, 1946

AMBEDKAR ASKS FOR TOLERANCE BY MAJORITY PARTY

Debate Continued on Nehru Resolution

Continuing the debate on Pandit Nehru's resolution on declaration of objectives on Tuesday, Mr M. R. Masani, said that speaking as "an Indian first and last" and as a "democratic socialist," he supported the resolution.

"No nation," he said, "can tolerate the existence of perpetual or permanent minorities. Either that nation absorbs all the minorities or in the course of time it breaks up. Therefore, while I welcome the clause in this resolution which promises adequate safeguards for the minorities, I would say that ultimately no legal safeguards can protect small minorities from the overwhelming domination of the masses, unless, on both sides, an effort is made to get closer and become one corporate, homogeneous nation.

"That process he said, has been shown to us in the U.S.A. where peoples of different racial strains have come together and, with one unfortunate exception, have been absorbed in the common nation."

The resolution, he continued, rejected the present social structure. There could be no other meaning to Clause 5 of the resolution, which referred to justice—social, economic and political. As he understood the resolution, it would not tolerate the gross inequalities which existed in our country; it would not tolerate the exploitation of the fruits of a man's labour by somebody else. It certainly meant that everyone who toiled for the common good would get his fair share of the fruits of his labour.

Equality Of Opportunity

"It also means," he continued, "that the people of this country will get, so far as the constitution can endow them, with social security and the right to work or maintenance by the community. The resolution also provides for equality of opportunity. Equality of opportunity presupposes equal facilities for education, for the development of the talent that is latent in each one of us."

"It was fashionable in our times" he said, "to argue that social or economic changes could not be brought about unless individual liberty and democracy were first destroyed." Pandit Nehru's resolution, if he read it aright, was a refutation of that thesis.

It envisaged far-reaching social changes—social justice in the fullest sense—but at the same time it worked for those changes through political democracy and individual liberty. The resolution pointed the direction to a constitution where the people would be in the centre and the development of the individual personality would be the main aim of our social good.

Mr Frank Anthony, the Anglo-Indian leader, supported Dr Jayaker's amendment. He appreciated the solemn character of the main resolution and he was not going to support the amendment arguing in its favour technical or legal reasons.

He realized that the first part of the resolution affirming solemn resolve to proclaim an independent sovereign republic, was an article of faith with the Congress. It represented the supreme objective for which they had fought so long and so arduously and no one could or should or would dare to oppose them.

Fundamental Objective

From a constitutional point of view Mr Anthony thought that Dr Jayaker's amendment and the original resolution in regard to the fundamental objective of the constitution, namely, it should be a free and democratic sovereign State was identical. What Dr Jayaker's amendment had asked them was to defer a declaration on the remaining parts of the main resolution in regard to Indian States, provinces and its powers and functions.

This said Mr Anthony, was because the resolution might expose them to the charge, however baseless, that they prejudged matters on which decisions should be made after they had been fully canvassed and discussed in the Assembly.

"I believe," he said, "that this amendment ought to be adopted because it is dictated by humility and by considerations of statesmanship and by the desire to get the greatest measure of goodwill between the two major parties to see the great country of ours to be strengthened and free."

Meeting Of Sections

Dr Shyama Prosad Mookerjee, op-

posing the amendment, said that the Constituent Assembly could not pass the resolution until the sections had met, if they ever met at all, and made their recommendations. Dr Jayakar had maintained that this resolution could not be passed until both the States and the Muslim League were enabled to attend the Assembly.

As for the States, he said, they could not come even if they wished till the sections had met and settled the provincial constitution which would take many months.

So far as the Muslim League was concerned no doubt every one regretted it had not found it possible to attend the preliminary session of the Assembly and he asked what guarantee was there that, if this resolution was postponed till January 20 the Muslim League would come. Again, did this resolution raise issues which were inconsistent from the Cabinet Mission's statement of May 16?

The passing of the resolution, he argued, would not prejudice the future constitution. When the time came for the framing of the constitution it would be open to any member to bring up any matter before the House as an amendment to any particular proposal and such amendments were bound to be considered on their merits.

"If assurances are forthcoming", Dr Mookerjee added, "that this draft resolution does not go against the main features of the Cabinet Mission and also it does not commit the Constituent Assembly in regard to the details of the constitution that is yet to come, I see no reason why any obstacle should be put to the passing of this resolution.

Individual Capacity

"We are sitting here in our individual capacity and our sanction is not the British Government of Parliament but the people of India.

"If what Dr Jayakar has said is the correct position then this Constituent Assembly should not have been called at all and, in fact, Dr Jayakar should not have attended the meeting.

"We want the League to come in now," he continued, "so that we can meet face to face and solve the difficulties. If there are difficulties and differences of opinion, we do not wish always to carry our decisions by a majority vote. That may have to be done in the last resort, but obviously every attempt must be made to come to an agreement.

"My charge is the Muslim League is not coming because of the British attitude. The Muslim League is being encouraged to feel that if it did not come, it will be able to veto the final decision of the Assembly. The power of veto has in some form or other been again passed into the hands of the Muslim League. That is the greatest danger that threatens the future activities of this great Assembly.

"Though it was a British creation, yet once it came into existence, it had the power, if it had the will, to assert its rights and do what was best for the good of the people of India, irrespective of class or community. The Congress, as one of the major parties, had said that it stood by the Cabinet Mission's scheme of May 16.

"It gladdened my heart yesterday to hear Sardar Patel say that the Congress has not accepted anything beyond the statement of May 16. That, I consider, to be an announcement of fundamental importance. (Cheers).

"There has been considerable difference of opinion with regard to one clause of the statement of May 16, that is, with regard to the question of grouping. It is for the Congress, to decide, as one of the major parties, what interpretation it is going to accept. If the interpretation given by HMG is not accepted, and if the Congress considers the interpretation put by itself is correct, then a crisis may come.

Avoid Delay

"The greater the delay in deciding that question, the greater will be the unreality of the proceedings of this House. After that question is decided, supposing HMG's interpretation is accepted, whether on reference to the Federal Court or not, we must go on with our work.

"If ultimately we have to function," said Dr Mookerjee, "we shall function on our own responsibility and prepare a constitution which shall be able to place before the bar of world opinion and demonstrate that we have treated the people of India, including the minorities, in a just and equitable manner."

Dr Mookerjee contested Lord Simon's statement that the Constituent Assembly consisted of Caste Hindus. So many false statements had been made that it was difficult to count or counteract them. In the Assembly were represented, at least one Muslim province, also Assam, which was supposed to be part and parcel of the Muslim majority area; the Scheduled Castes, including Dr Ambedkar, Sikhs Anglo-Indians, Indian Christians, Parsis and Adibasis.

"Every element that had been elected to the Constituent Assembly was here barring the Muslim League. The League might represent a very large section, but was it suggested that, if this section of the Indian people chose to be absent themselves from the Assembly, India was to continue to remain a slave country?" (A voice: No).

Concluding he said that we should tell the British that, in spite of all that had happened in the past, if they really wanted to continue to be friends in the future, we were prepared to accept their co-operation, but it was not for the British Government to interfere in the domestic problems of this country.

Dr Ambedkar was cheered as he rose to support Dr Jayakar's amendment. Dealing with the first part of the resolution, he said, that controversy seemed to have centred on the use of the word "republic".

Warring Camps

"I know today," he said, "we are divided politically, socially and economically. We are in warring camps and I am probably one of the leaders of a warring camp. But with all this I am convinced that given time and circumstances, nothing in the world will prevent this country from becoming one, and with all our casts and creeds, I have not the slightest hesitation in saying that we shall, in some form, be a united people." (Cheers).

So far as the ultimate goal was concerned, he said no one need have any apprehensions. Their difficulty was not about the ultimate thing but how to make the heterogeneous mass that they were today take a decision in common and march in a co-operative way on that road which was bound to lead them to unity.

"It would be an act of the greatest statesmanship for the majority party even to make a concession to the prejudices of the people who are not prepared to march together and it is for that that I propose to make this appeal. Let us set aside slogans which frighten people. Let us even make concessions to the prejudices of our opponents. Bring

them in, so that they may willingly join this march on that road which must necessarily lead us to unity."

"Leave aside all these considerations", he said, "and make some attempt whereby those who are not prepared to come will come. Let us make it possible for them to come."

"I quite understand that the Congress, League and HMG are not ad idem on the interpretation on grouping but I always thought and I am prepared to stand corrected that the Congress agreed that if the provinces consented for to form a sub-federation, the Congress would have no objection to that proposal." How then was the idea of a sub-federation completely effaced from the resolution?

Prepared For War

There were only three ways by which the issue would be decided—surrender by one party to the wishes of the other, a negotiated peace and open war. He had been heard certain members of the Constituent Assembly say that they were prepared to go to war. "I must confess," he said, "that I am appealed at the idea that nobody in this country should think of solving the political problems of this country by going to war.

"I do not know how any people support that idea. A good many perhaps do. And the reason why I think they do is that most of them believe that the war would be a war on the British.

"If any war come in this country," he said, "and that war has any relation to the issue with which we are confronted today, it will not be a war on the British. It will be a war on the Muslims or, what is probably worse, a war on a combination of the British and the Muslims. I cannot have any other idea of the sort of war that is being contemplated."

Quoting Burke's famous passage in favour of reconciliation with America, Dr Ambedkar said: "If anybody has the idea that this problem can be solved by war or that the Muslims may be subjugated and made to surrender to a constitution that might be prepared without their knowledge and consent, this country would be involved in perpetually conquering them. As Burke said, 'It is easy to give power but difficult to give wisdom'. Let us prove by our conduct that we have not only the power but also the wisdom to carry with us all sections of the country and to make them march on that road which is bound to lead us to unity." (Cheers).

Sardar Ujjal Singh, supporting the resolution, described it as "an expression of the pent-up emotions of the millions in this country". Opinions might differ with regard to the wording of the resolution, but taken as a whole it was an expression of the will of the people of this country.

Dr Jayakar had urged postponement of consideration of the resolution till January 20, holding that the preliminary session was precluded from taking it into consideration. "My honourable friend knows that when we meet on January 20, we will be meeting in a preliminary session all the same and his objection also holds good when we meet again on January 20." (Hear, hear).

Sardar Ujjal Singh said that he, like many others, regretted the absence of the League and he was one of those who sought the co-operation of the League. But it was not the fault of the House that the League was absent and it was not fair that its business should be postponed indefinitely without knowing when the other party was coming in.

Grouping

Referring to Dr Ambedkar's objection that the resolution did not mention grouping, Sardar Ujjal Singh said: "Grouping is an optional matter and almost all of us, if I may say so, are against grouping. Even the State paper leaves it to the option of the sections or, as we interpret it, to the option of the provinces."

The Indian States, he said, might find some objection to the mention of a republic, but any fears that they might have on that score was entirely unjustified in the light of Pandit Nehru's statement that the people of the States, if they so chose, could retain a monarchical system of Government in their own part of the country.

He dwelt at length with the Sikh attitude towards the Cabinet Mission's plan. It was the height of injustice, he said, on the part of the Cabinet Mission not to have provided safeguards for the Sikhs in Section B similar to those provided for Muslims. The Sikhs, he contended, had a stronger case than the Muslims.

No Pakistan

Continuing he said: "Let us make it clear that the safeguards that the Sikhs demand in the Punjab and north-west are within the Indian Empire and not outside. They are anxious that all communities should live together in harmony and peace. They are prepared to live with their Muslim brothers in the Punjab and north-west, even treating them as elder brothers but not as a superior or separate race or nation.

"The Sikhs cannot tolerate the partition of this great and ancient land (cheers). They will stoutly oppose the establishment of Pakistan and all that it implies. The Sikhs have a burning passion for freedom. No single community in the history of India has struggled so long and so hard as the Sikhs to drive away foreign hordes." They will continue to march with the Congress in its fight for independence with unabated zeal and vigour (hear, hear).

There were hurdles and obstacles in the way of the Assembly but he felt certain that "we will be able to cross those hurdles and overcome those obstacles if we deliberate with caution, act with decision and, if need be, oppose with firmness." (Cheers).

Real Peace Wanted

Seth Govind Das also supporting the resolution said that the Congress and other freedom-loving elements in the country wanted real peace and not strife. Passive resistance and non-violence, he said, were two great contributions that Mr Gandhi had made towards the attainment of peace.

"We do not want to fight either the British Government or the Muslim League, but if the former were to employ the latter as tools for putting obstacles in the way of the country's freedom, we shall certainly oppose them. We want the League to participate in the Constituent Assembly, but if they choose to stay out we must go ahead.

"If we are assured that the postponement until January of the resolution will guarantee the League's co-operation in the task of constitution-making I am sure Pandit Nehru will not hesitate to withdraw it."

Referring to the resolution he said that it sought to make India a republic and that it was to be decided now whether that republic would be of a Socialist or of a Democratic character.

He concluded by asking the House to treat the resolution as a solemn pledge and act with firmness and independence.

Further debate was adjourned till today.—API.

Enclosure No. 2 to Despatch No. 886 of December 21, 1946, from George R. Merrell, Charge d'Affaires, a.i. at New Delhi, India, on subject of "Indian Constituent Assembly: Further Debate on Pandit Nehru's Resolution; Dr. Ambedkar's Criticisms; Pandit Kunzru's Warning against Hasty Decision; Other Views."

THE STATESMAN, December 19, 1946

KUNZRU OPPOSES INDEPENDENCE RESOLUTION

Revd J. J. M. Nichols-Roy, speaking in favour of Pandit Nehru's resolution on the declaration of objectives in the Constituent Assembly on Wednesday, said that it was the desire of all Indians that the constitution should be a democratic and republican one.

Voicing Assam's opposition to grouping, he said that his province was a non-Muslim province. The seven non-Muslim representatives of the province in the Constituent Assembly were present while the three Muslim representatives were absent.

In Section C, which was to draft the provincial constitution, there would be 36 Muslims and 34 non-Muslims. According to the latest interpretation of the State Paper by HMG, voting in the Sections was going to be by simple majority vote. "This will mean", he said, "that our constitution for Assam will be framed by the majority of the people of Bengal, that is the Muslim League. We cannot consent to such an unjust thing."

People in Assam, he said, took it for granted that the Cabinet Mission would not be so unjust and unreasonable as to place Assam under Bengal. They understood that, if a certain province did not want to join a Group it would not be forced by a majority of votes of another province to go into the Group.

He said he was glad to hear Sardar Patel's declaration that the Congress had not accepted HMG's interpretation. It appears, he said, that the Cabinet Mission changed their minds when they left India.

No Reason For Conflict

Revd Nichols-Roy said he saw no reason for a conflict if the Congress proceeded to draft a fair and just constitution. Of course, it would be wrong to deviate from the four walls of the State Paper. "We shall frame our constitution and do justice to all minorities.

"We should be happy if the Muslim League co-operates. The country will see what kind of a constitution we frame and the British Government will have an opportunity to see what we have done. Only then can they say that this Constituent Assembly has been unjust to a certain community." He pointed out how in Australia, and in certain other Dominions, some parts of the respective countries did not join the Union at first but did so later.

Mr R. K. Sidhwa supporting the resolution said that the House must proceed with the business of framing a constitution." He asked the House not to tolerate "the mischievous propaganda that is being carried on to disturb our Constituent Assembly."

The apprehensions that might be felt by the States over the mention of a republic, he said, were unfounded. The whole position could be discussed between the Negotiating Committee, to be appointed my the Constituent Assembly, and the States Negotiating Committee.

Referring to the India debate in Parliament, Mr Biswanath said that Mr Jinnah and Mr Churchill had become strange friends. He was surprised that the Cabinet Mission had not consulted the representatives of the people of Assam. But grouping, as the Cabinet Mission began pointing out from the day on which the statement was issued, is an essential feature of their plan.

"We shall be able to deal with the position of the provinces which are compelled against their wish to become members of a group later on when the reports of the Section Committees are before us. But let me repeat that the insistence of the British Government on bringing unwilling provinces into groups is morally completely unjustified."

"Even if we passed the resolution," he asked, "shall we morally be able to say 'no' to representatives of the Muslim League and Indian States should they ask later on that questions to which the Assembly might have given assent by passing this resolution should be reconsidered? I am sure we shall not find it in our hearts to refuse such a request."

Pandit Kunzru concluded: "We may be completely justified in passing Pandit Nehru's resolution, but of what use will it be for us to exercise our rights if it only adds to that discontent and unrest which it is our desire to allay? I hope, therefore, that we shall act in a way that India may, with the assent of all sections of the people, and if that unfortunately is not forthcoming, with the assent of all those who accept the right of the country to give forward, be able to march rapidly towards the aim that we have set before ourselves, namely freedom and unity." (Cheers.)

Lacks Imagination

Sir N. Gopalaswamy Ayyangar, supporting the resolution, urged that the resolution be pushed to its conclusion at this sitting (cheers). He considered that the motion for adjournment lacked imagination.

"I say it lacks imagination because it forgets that we have just launched ourselves on a very big task and it is necessary that we should impress on our country and the world that we mean business. This resolution sets out the objectives that we have to place before ourselves in framing our constitution. Is such a resolution to be postponed till we reach the last stage of our work in this Assembly? Is it not a resolution which must preface everything substantial that we propose to do in this Assembly? That, I think, is a complete answer to this motion for adjournment."

The resolution, he went on, set out nothing to which either Dr Jayakar or Pandit Kunzru were prepared to take exception. The League's main objection to what we were doing today arose from the different interpretation they had put on the clause relating to grouping. We were not discussing grouping now. What then prevented the League from taking part in the discussion of other subjects?

Lord Pethick-Lawrence had clinched the matter [illegible] saying power and authority are derived from the people, he said that the Cabinet Mission had stated that, on the conclusion of the labours of the Constituent Assembly and the framing of a constitution for India, HMG would recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people.

The act of ceding sovereignty, therefore, relates to the whole of India. When the Cabinet Mission, therefore, spoke of cession to the people of India, they must have included the people of the Indian States (hear, hear). The Mission's statement, therefore, that when British power was withdrawn the States would become independent should be construed to mean that such sovereignty as His Majesty in fact exercised over Indian States, would stand ceded back to the people of the Indian States.

Same Footing

The resolution puts the Indian States on the same level in regard to the subjects not ceded by them to the Union Centre as the provinces were in respect of provincial subjects.

"If representatives of the States in the Constituent Assembly so desired, the Union constitution should guarantee the territorial integrity of the States as they existed today, subject to any modification of boundaries which might be effected later on, according to prescribed procedure and with the consent of the people of the States and the affected areas.

"In fact," he said, "until we got into the Assembly representatives of the people of the States, they could not really participate in the work of the Assembly and help in the making of constitutions for their own States as well as in the making of the Union constitution." (Cheers)

The House adjourned until today.—API.

ganda that is being carried on to disturb our Constituent Assembly."

The apprehensions that might be felt by the States over the mention of a republic, he said, were unfounded. The whole position could be discussed between the Negotiating Committee, to be appointed my the Constituent Assembly, and the States Negotiating Committee.

Referring to the India debate in Parliament, Mr Biswanath said that Mr Jinnah and Mr Churchill had become strange friends. He was surprised that an astute statesman like Mr Jinnah should have fallen into the trap of the Conservatives History revealed that the Conservative Party had made use of persons and institutions in dependent countries and it should be easy for Mr Jinnah to realize that he and the League had been used by the Conservatives.

Facilitate Work

Pandit Hirday Nath Kunzru, supporting Dr Jayakar's amendment, said that the object of the amendment was not to obstruct but to facilitate the work of the Assembly. "Its purpose is to create an atmosphere which will enable us to realize rapidly and smoothly the great aim that we have set before ourselves."

Welcoming the report that the next session would be held on January 20, he said: "It is wise on our part to make every section of the people in India and countries abroad realize that we do not want to impose our will on any party or community, but that such decisions, as we have arrived at, will be the result of joint discussions carried on with the sole object of enabling India to achieve her independence and to protect the just rights of the minorities and the backward classes."

The principal body whose work would be guided by the directives embodied in Pandit Nehru's resolution would be the Union Constituent Assembly, which would meet only after the Section Committees had done their work. It was obvious, therefore, that postponement of discussion on the resolution would not retard the work of the Assembly.

If the resolution was passed immediately, it would be a unilateral decision. The House would have ample opportunity of affirming the objectives outlined in the resolution. There need be no fear that any postponement of the resolution would mean the torpedoing of the purposes embodied in it. Indeed, he felt that "a slight delay will strengthen our hands in dealing with this important subject."

Misapprehension

It had been supposed by a good many speakers that if they admitted the right of the League and the States to participate in the discussion of the resolution, they would be giving them absolute power to block the work of the Assembly. "I think this is a complete misapprehension of our position. Judging from the speeches delivered in the House of Commons and House of Lords by the spokesmen of the British Government, all that the British Government desire is that there should be agreement with regard to the procedure to be followed in the formation of provincial constitutions and groups.

The House, he said, could not allow itself to be frustrated by the intransigence of one party. "We are prepared to take into account all that is reasonable, but we cannot agree in any circumstance to allow it to decide the fate of this Assembly. Should such a situation unfortunately present itself, we shall be entitled to remind the British Government of Mr Attlee's promise that the minority will not be allowed to veto the progress of the country."

Referring to grouping, he said he saw no reason why any province should be compelled to enter a group. He saw, in particular, no justification whatever for compelling Assam to form a common Government with Bengal for any purpose. "What has happened in Noakhali, and the deplorable events it provoked in Bihar, has justifiably increased the apprehension that is felt by the Assam Government. This is a complete answer to this motion for adjournment."

The resolution, he went on, set out nothing to which either Dr Jayakar or Pandit Kunzru were prepared to take exception. The League's main objection to what we were doing today arose from the different interpretation they had put on the clause relating to grouping. We were not discussing grouping now. What then prevented the League from taking part in the discussion of other subjects?

Lord Pethick-Lawrence had clinched the matter yesterday by saying that HMG would not "budge from their position even if we appealed to the Federal Court. Of course it is not within the jurisdiction of HMG, in my opinion, to say whether they would accept the Federal Court's view or not, because it is entirely out of their hands."

"The Constituent Assembly makes the reference to the Federal Court and it is for the Constituent Assembly to say before it makes the reference that it will abide by the decision of the Federal Court. Assuming that the Federal Court's position is in favour of the view taken by HMG, what will be the position of those who have taken a contrary view? The only thing they can do, in view of the commitments they have made to individual provinces and communities, is to move this Assembly for a modification of Paragraph 19, which would express more clearly their view.

Main Difficulty

"The main difficulty is the method of voting in the sections, as the Secretary of State said in the House of Lords. If you leave Paragraph 19 (V) as it is, it is certainly an arguable point that, in the absence of any modification of the words of that clause the voting must be by individuals and a simple majority would decide the question If we want that voting should be by provinces, it is necessary that we should propose a modification of that clause and that modification can, I think, be done by this Assembly on a motion properly moved. Are we going to do that?"

"I suggest," he said, "that, in view of what has come from HMG both in the statement of December 6 and the speeches in the two Houses of Parliament, in the new circumstances that have been created, the wiser thing to do is not to send a reference to the Federal Court, but to take the other course which I have indicated, namely, that you bring up a resolution in this Constituent Assembly proposing a modification of Clause 19 (V) which will provide that the method of voting should be by provinces in the sections so far as grouping is concerned.

"It is quite possible—and I think it will be an arguable position—for the Muslim League to come here and raise the question that such a modification involves a major communal issue."

"Going to the Federal Court," he said, "is absolutely useless and, so far as I can see, will solve none of our troubles."

Jayakar's Argument

Referring to Dr Jayakar's argument that the the preliminary meeting of the Constituent Assembly could not discuss the resolution, he said that we were not, like members of a provincial or Central Legislature, working under a statute of Parliament. "We are in a Constituent Assembly, and, whatever is not said in the document under which we have gathered here is not prohibited to us. We have the residuary power in full for accomplishing the tasks which we have undertaken (hear, hear). That being so, I would suggest that we should not rivet our eyes to particular clauses in this document and say that this is not said in this or that clause. I think whatever is not said but is necessary for the accomplishment of our task is within our power to regulate."

Replying at length to the objection raised on behalf of Indian States to the inclusion of Indian States in the declaration in the resolution that all

Enclosure No. 3 to Despatch No. 886 of December 21, 1946, from George R. Merrell, Charge d'Affaires, a.i. at New Delhi, India, on subject of "Indian Constituent Assembly: Further Debate on Pandit Nehru's Resolution; Dr. Ambedkar's Criticisms; Pandit Kunzru's Warning against Hasty Decision; Other Views."

THE STATESMAN, December 20, 1946

INDEPENDENCE RESOLUTION A DIRECTING GOAL

Sir A. Krishnaswami Aiyar's Appeal

Neither the Muslim League nor Indian States would have a place in the Constituent Assembly unless they subscribed to the principle of a single Indian union in the terms of the Cabinet Mission's statement, declared Sir Alladi Krishnaswami Aiyar, speaking in the Constituent Assembly on Thursday.

Strongly supporting Pandit Nehru's resolution and opposing Dr Jayakar's amendment, Sir Alladi said it was inconceivable that any constitution could be framed without a directing objective, and the resolution before the House formulated such a directing objective. In doing so it followed the practice of other constituent assemblies.

There was nothing in the terms of the resolution to which either the Muslims or the States could take exception if they decided to come in, Sir Alladi argued. The Cabinet Mission's statement in several paragraphs declared that the Constituent Assembly "is committed to the task of framing a constitution for an independent India." The Muslim League had on several occasions expressed itself as strongly for independence as the Congress.

There is no guarantee nor any indication that postponement of the resolution to some day next month will be a factor in the Muslim League making up wind to join the deliberations of this Assembly. The argument, therefore, derived from the Muslim League staying away from the present Constituent Assembly and the possibility of their coming in at a later stage has no validity on the propriety of the resolution before the House." (Cheers).

Role Of States

Referring to the States, Sir Alladi said: "Here again, the States or the States' representatives have a place in this Assembly only if they subscribe to the creed and article of an independent India and if they are committed to the task of framing a constitution for an independent India. Otherwise they have no place. They must choose to be constituent parts of an independent India or not. If they come in, it can only be on the footing that they are as much committed to the ideal and the purpose of framing a constitution for an independent India as we in what is now British India.

"Has this Assembly begun to function or not? Or is it in a state of suspended animation until the States' representatives choose to come in? We have elected our Chairman; we are proceeding to frame rules of business, and we have begun the work of framing a constitution for an independent India. How can it be said that this Assembly has not begun to function? Is there any logic in the argument [illegible]

separate electorates. Mr Lahiri criticized Pandit Nehru's resolution as one of pressure against the Muslim League and said that the British would take advantage of it to establish themselves firmly.

Mrs Hansa Metha welcomed the resolution for the great promise it held for women. "It will warm the hearts of many women to know that free India will mean not only equality of status, but equality of opportunity. We have never asked for reserved seats, quotas or separate electorates. What we have asked for is social, political and economic justice."

Mr B. R. Thakore, Scheduled Caste representative from Bengal, said that although the Scheduled Castes, numbering 60,000,000, were part and parcel of the Hindu community, they considered themselves a minority which was a separate political entity and they wanted special safeguards. They wanted representation on the basis of population in the legislatures. They did not claim any weightage, but if weightage was agreed to for others, they demanded proportional weightage for themselves.

In the disturbances in Bengal, he said, it was the Depressed Classes who were the worst sufferers. They repudiated the claim of the Muslim League to take Bengal into Pakistan. They would oppose grouping tooth and nail. He went on to say that efforts were being made by the Muslim League in Bengal to foist on the Depressed Classes new leaders who would help the League's plans. No power on earth could prevent India being free, he declared, and the Depressed Classes were ready for any sacrifice.

Adibasis' Suppport

Mr Jaipal Singh, representative of the Adibasis in Bihar, said that he was supporting the resolution on behalf of 30,000,000 tribal people. His support to the resolution, he said, was not because it was sponsored by the Indian National Congress, but because the sentiments expressed in it were those that throbbed in every heart in this country.

Asserting that the Adibasis asked for no more than a fair deal, Mr Jaipal Singh said: "If history has taught us anything at all, then I should distrust this resolution. But that will not do. We have got to learn to trust each other and we must bring an atmosphere of confidence. There has been so far too much talk in terms of parties. I am, however, convinced

we shall have introduced democratic and territorial elections instead of communal elections and the acerbity of caste and communal differences will begin to disappear in course of time."

Referring to the States, he said: "They say they have their treaties with the Crown dating back to 100 or 150 years. But what was the Crown of England 100 or 150 years ago? It was the voice of the British Cabinet and, consequently, when they speak of their having had treaties with the Crown, what they do mean is that they have had treaties with the Government of England for the time being in power.

"It is an ordinary platitude, if I may say so, that if the Crown of England accepted the advice of the British Cabinet 100 or 150 years ago, is it wrong for the Crown of England today to act on the advice of the Indian Cabinet? Can the Indian Princes say that the Crown has no right to change its advisers? When they speak of their treaties with the Crown their position is, therefore, a futile one.

Right Of Paramountcy

"Then they say that the Crown has the right of paramountcy. But they forget that the British Government in India has got the right of protecting all the Indian States—from the State of Hyderabad to the smallest state in Kathiawar—and he who has the right of protection enjoys de facto the right of paramountcy. The defence of British India having been transferred to the Interim Government, the Interim Government became responsible for the security of the Indian Princes and consequently that right of paramountcy has passed from the King of England or the Parliament of England to the Interim Government.

"Even assuming that there was a figurative continuance of paramountcy in the King, it was pointed out in the course of the debate in Parliament that when the transfer of power to India takes place paramountcy will lapse and consequently Indian States must either join hands with the Interim Government in India or remain isolated and aloof as a subordinate creature of a free India. Therefore, I advise my friends of the Indian States that they are waiting in vain for an invitation from the Constituent Assembly to come in. If they wish to come in they are welcome.

In framing the future constitution of India, the Constituent Assembly should not cast its eyes on what the League would do or what the British Government would think or refer its decision to the Federal Court. 'I do not wish to anticipate the decision of the House on the subject of reference to the Federal Court, but I do wish to repeat once more that this House should be sufficiently self-respecting to carry out its duties regardless of the opposition it may meet and the criticism it may arouse, from whatever sources they might come." (Hear, hear).

Harijans' Emancipation

Smt Lakshmiyam Velayudan (Harijan representative) said that the emancipation of the Harijans lay in the national forces which were repre-

ideal and the purpose of framing a constitution for an independent India as we in what is now British India.

"Has this Assembly begun to function or not? Or is it in a state of suspended animation until the States' representatives choose to come in? We have elected our Chairman; we are proceeding to frame rules of business, and we have begun the work of framing a constitution for an independent India. How can it be said that this Assembly has not begun to function? Is there any logic in the argument that the Assembly must not formulate its objective until some other party comes in or can come in? An independent India cannot be a monarchy. The executive head of the union cannot be a hereditary monarch, Hindu, Muslim or Sikh. He can only be an integral part of a republican constitution."

Referring to the objection as regards derivation of authority, Sir Aliadi asked: "Is it suggested that in respect of a sovereign independent India the authority of the provincial parts is derived from the people and, so far as States are concerned, from the hereditary rulers of the States? The constitution of a sovereign independent India is the concrete expression of the will of the people of India as a whole conceived of as an organic entity, and even in regard to the units themselves the authority of the rulers can rest ultimately only on the will of the people concerned.

State Machinery

"The State machinery, be it monarchy or democracy, ultimately derives its sanction from the will of the people concerned. The divine right of kings is not a legal or political creed in any part of the world at the present day. I do not believe it will be possible for hereditary monarchs to maintain their authority on such a medieval or archaic creed. The Cabinet Mission was quite alive to this and in their statement reference is made throughout to Indians, including both Indians of Indian States and British India, deciding the future constitution of India, no distinction being drawn between Indians in what is now the British tract and what is now native State territory."

Dr Ambedkar's Objection

As regards Dr Ambedkar's objection on the ground of omission to mention groups, Sir Alladi said a close examination of the Cabinet Mission's statement would point to the conclusion that the formation of groups was not an essential part of the constitutional structure. "In the most material parts the main recommendations are that there should be a union of India dealing with certain subjects, that all subjects other than the union subjects and residuary powers should vest in the provinces and in the States, the States being assimilated to the position of provinces under the Cabinet Mission scheme. There is nothing in the terms of the resolution to prevent provinces from forming themselves into groups as contemplated by the Cabinet Mission."

The debate opened with a speech by Mr Somnath Lahiri (Communist) who, speaking amid hostile interruptions, said he did not want the Princes to come into the Constituent Assembly and distort the picture of the future India. He expressed doubt whether, even if the Muslim League came in, the Assembly would be able to solve its difficulties.

Communal Twist

Mr Lahiri said that the reactionary section of Muslim League leadership gave a communal twist to the urge for freedom of the peasants of Bengal, who were mostly Muslims. This, he argued, was because the Congress had failed to declare itself unequivocally in favour of freedom and self-determination of the different nationalities in India. "You cannot achieve a united India by forcing a unitary constitution on them", said Mr Lahiri.

He advocated a system of proportional representation in India as a solvent of the trouble caused by the Indian National Congress, but because the sentiments expressed in it were those that throbbed in every heart in this country.

Asserting that the Adibasis asked for no more than a fair deal, Mr Jaipal Singh said: "If history has taught us anything at all, then I should distrust this resolution. But that will not do. We have got to learn to trust each other and we must bring an atmosphere of confidence. There has been so far too much talk in terms of parties I am, however, convinced that Pandit Nehru and everyone here will deal with this question of minorities fairly. It is not by proclamation, but by just dealing that we shall be able to shape our constitution which will bring real freedom."

Mr D. P. Khaitan opposed Dr Jayakar's amendment and said that if the Constituent Assembly at this stage failed to pass the resolution it would not be possible for the groups and provinces to frame their constitution. Dr Jayakar had expressed the fear that if the House were to pass the resolution now Mr Jinnah and his party might be offended. But they had often approached Mr Jinnah and had not succeeded in melting his heart.

"Even now", Mr Khaitan went on, "as we are proceeding with the work of the constitution he is spending his time in Cairo spreading the disease of Hinduphobia". He urged that out of fear of Mr Jinnah and the League they should not become indolent and delay the framing of a constitution for a free India.

Gurkha Support

Mr Dambor Singh Gurung, on behalf of the Gurkhas in the country, supported the resolution. It was high time that the House took a strong course instead of embarking on a policy of wait and see. He denied that the Gurkhas were a stumbling block to the freedom of India. Though small in number, there were hardly 3,000,000 in India and 12,000,000 in Nepal, they had distinguished themselves in two wars. With their military tradition they had in the past shed their blood for the maintenance of British raj, but now a free India would also need them and they would be ready to shed their blood for the protection of the constitution of a free India.

Opposing the demand for Pakistan, Mr Gurung said: "No minority community will support that fantastic demand. We all stand for a united India and if, in spite of this, he asks for civil war, then the country must accept the challenge and fight it out."

Sir Hari Singh Gour, supporting Pandit Nehru's resolution, said that the Constituent Assembly had been rightly described as a sovereign body. It was the voice of the people of India and was not a creature of the British Cabinet Mission. "When that voice became strong, the British Cabinet yielded to the demand for constitution of this Assembly. Therefore, let us not dismiss from our minds that while we pay due respect to the wishes of the Cabinet Mission, we are not bound by the conditions that they may have laid down. Our primary and sole duty is to discharge our responsibility to our masters, the people of India."

Referring to the plea for postponement of discussion on the resolution on the ground that Muslim League members were absent, Sir Hari Singh said that the Constituent Assembly would lose its prestige and dignity if it went about hankering after the support of the League. "If we owe a duty to the public of India", he said, "that duty must and shall be performed regardless of whether Mr Jinnah or Pandit Nehru or anybody else comes in or goes out."

"Pakistan Suicidal"

Sir Hari Singh urged that there should be joint electorates. "Let the Muslims get their quota of seats, but let there be a provision that no member of one community shall be deemed to have been duly elected unless he polls a certain percentage of votes of the other community. In this way to the Federal Court, but I do wish to repeat once more that this House should be sufficiently self-respecting to carry out its duties regardless of the opposition it may meet and the criticism it may arouse, from whatever sources they might come." (Hear, hear).

Harijans' Emancipation

Smt Daksnayani Velayudan (Harijan representative) said that the emancipation of the Harijans lay in the national forces which were represented in the Assembly. She hoped that in the independent India of the future Harijans would have their honourable place like other citizens (cheers). In the Indian republic there would be no barriers based on caste or community. "I visualize that the underdogs will be the rulers of the Indian republic. I, therefore, appeal to Harijan delegates that they should not harp on separatism. They should not make themselves the laugning stock of future generations Communalism, whether Harijan, Christian, Muslim or Sikh, is opposed to nationalism (hear, hear)

Referring to the States, she said that the people of the States were behind the Congress and the Constituent Assembly (hear, hear) and any decision made by the Assembly would be acceptable to them.

Some of the members of the Negotiating Committee representing the Chamber of Princes had objected to the statement in the resolution that power was derived from the people. But the historic message from the Cochin Maharaja to the people of Cochin State—"The most advanced State in India, to which I am proud to say I belong"—(cheers) justified that statement. The Maharaja said in that message: "I believe in pure constitutional rule and throughout my life I have sedulously cultivated an attitude towards life and institutions which is antipathetic to autocracy and personal rule" It was obvious from this message that power was derived from the people.

The House adjourned till Saturday.
—API.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

UNRESTRICTED

AMERICAN EMBASSY
NEW DELHI, INDIA

No. 962

February 19, 1947

Subject: Transmitting the Indian Constituent Assembly Debates.

DIC NEAR EASTERN AND AFRICAN
ARE DIVISION - (ADN)
File
MAY 14 1947
7/7/47
Department of State

DIVISION OF MIDDLE
EASTERN AND INDIAN AFFAIRS
MAY 13 1947
DEPARTMENT OF STATE

845.032/2-1947

The Charge d'Affaires a.i. has the honor to forward with this despatch for the use of the Department two sets of the Indian Constituent Assembly Debates covering the period from December 9 to December 19, 1946. It is regretted that additional sets are not now available, but these could no doubt be obtained if the Department so desires.

DEPARTMENT OF STATE
RECEIVED
JUL 8 1947
OFFICE OF INTELLIGENCE
COLLECTION AND DISSEMINATION

Accompaniments:

Two Sets of the Indian Constituent Assembly Debates.

Copy to:

American Embassy, London
together with 1 Set of
Indian Constituent Assembly Debates.

800

R.D.GATEWOOD/sa

in quintuplicate

Enclosure to despatch No. 962 dated February 19, 1947, from the American Embassy, New Delhi, India.

Subject: Transmitting the Indian Constituent Assembly Debates.

711 845.032/2-1947

REGISTERED NO. 15

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON, D. C.

CONST. A. L. I. 46.
1/12

Volume I
No. 1



Monday
9th December
1946

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Monday, the 9th December 1946

The first meeting of the Constituent Assembly of India took place in Constitution Hall, New Delhi, on Monday, the 9th December 1946, at Eleven of the Clock.

ELECTION OF TEMPORARY CHAIRMAN

Acharya J. B. Kripalani (United Provinces: General): (in requesting Dr. Sachchidananda Sinha to take the Chair as temporary Chairman, said)—

*[Friends, at this auspicious occasion of historical importance I invite, on your behalf, Dr. Sachchidananda Sinha to be the temporary Chairman of this Assembly. Dr. Sinha needs no introduction. You all know him. He is not only the oldest among us but also the oldest parliamentarian in India, having served, as you know, as a member of the Imperial Legislative Council from 1910 to 1920. He entered the Central Legislative Assembly in 1921 not only as one of its members, but its Deputy President also. He was then entrusted with the portfolio of an Executive Councillor and Finance Member of the Government of Bihar and Orissa. So far as I remember Dr. Sinha was the first Indian who was ever appointed as a Finance Member of a Province. He has a particular taste for education having been Vice-Chancellor of the Patna University for eight years. Over and above all this, Dr. Sinha is the oldest Congressman among us. Up till 1920 he was a member of the Congress, being at one time its Secretary.

After the year 1920 when we started on a new way to gain freedom he parted company with us. He, however, never wholly left us. He has always been helping us. He never joined any other organization and his sympathies were ever with us. Such a person is entitled to be the temporary Chairman of this Assembly. His work is brief but it is all the same most important. It is inaugurating the proceeding of this House. As we begin every work with Divine blessings we request Dr. Sinha to invoke these blessings so that our work may proceed smoothly. Now, I once more, on your behalf, call upon Dr. Sinha to take the Chair.]

(Acharya J. B. Kripalani then conducted Dr. Sachchidananda Sinha to the Chair, which he then occupied amidst acclamation.)

MESSAGES OF GOODWILL

The Chairman: (Dr. Sachchidananda Sinha): Hon'ble Members, I shall read out to you this morning three messages which have been received by me from responsible State Officials of America, China and the Government of Australia. The American Charge d'Affairs writes:

"My dear Dr. Sinha,

It gives me great pleasure to transmit herewith a copy of a telegram I have just received from the Honorable Dean Acheson, the Acting Secretary of State of the United States.

The telegram received is as follows:

'From the Acting Secretary of State,
Washington, D.C.

Dr. Sachchidananda Sinha,
Provisional Chairman of the Constituent Assembly,
New Delhi.

With the approach of December 9, I extend to you as Provisional Chairman of the Constituent Assembly, and through you to the Indian people, the sincere good

*[ ] English translation of Hindustani speech.

wishes of the United States Government and of the people of the United States for a successful conclusion of the great task you are about to undertake. India has a great contribution to make to the peace, stability, and cultural advancement of mankind, and your deliberations will be watched with deep interest and hope by freedom-loving people throughout the entire world.' " (*Cheers*).

The next message is from the Embassy of the Republic of China—

"New Delhi.

Dr. Sachchidananda Shina Provisional Chairman Constituent Assembly: 'On the auspicious occasion of the opening of the Indian Constituent Assembly I have the honour to extend to Your Excellency in the name of the National Government of China my heartiest congratulations. I sincerely hope that your great Assembly will succeed in laying a solid foundation for a democratic and prosperous India.

WANG SHIH CHIEH,
Minister of Foreign Affairs of the Republic of China.' "

(*Cheers*).

The third and last message I have to read out to this Assembly is one from the Australian Government to the Members of the Indian Constituent Assembly.

"Australia has watched with keen interest and sympathy the course of events which have given the people of India their rightful place in the community of nations. The Australian Government, therefore, greets the opening of the Constituent Assembly as an outward sign of a new era for India and offers the delegates of the Constituent Assembly their best wishes for success in their task." (*Cheers*).

I am sure the House will authorise me and permit me to convey its thanks to the representatives of these Governments who have sent us such cheering and inspiring messages. I may further add that this is a very auspicious sign for the success of your work. (*Cheers*).

ELECTION PETITION FROM KHAN ABDUS SAMAD KHAN OF BRITISH BALUCHISTAN

The Chairman: The next thing which I have to bring to the notice of the House is that I have received an election petition from Khan Abdus Samad Khan of British Baluchistan challenging the validity of the election of Nawab Mohammad Khan Jogazai as a member of the Constituent Assembly representing British Baluchistan. The House will doubtless look into this matter, in due course, after the election of the permanent Chairman. But my ruling at this stage is that the gentleman declared elected will continue to be regarded as a Member of this House until the matter is disposed of, at a later stage, by the House, after the election of the permanent Chairman.

The next item on the agenda is the provisional Chairman's inaugural address. I will do my best to read out the whole of the address, but if I feel the strain too much, you will kindly permit me to hand over the typescript to Sir B. N. Rau, who has very kindly undertaken to read it for me. But I hope there will be no occasion for it.

CHAIRMAN'S INAUGURAL ADDRESS

HON'BLE MEMBERS OF THE FIRST INDIAN CONSTITUENT ASSEMBLY:

I am deeply beholden to you for your having agreed to accept me as the first President of your Constituent Assembly, which will enable me to assist you in

transacting the preliminary business before the House—such as the election of a permanent President, the framing of the Rules of Business, the appointment of various Committees, and settling the question of giving publicity to, or keeping confidential, your proceedings—which will ultimately lead you to crown your labours by formulating a suitable and stable constitution for an Independent India. In expressing my sense of appreciation of your great kindness, I cannot conceal from myself that I feel—comparing small things with great—that I am, on the present occasion in the position in which Lord Palmerston found himself when Queen Victoria offered him the highest Order of Chivalry, namely, the Knighthood of the Garter. In accepting the Queen's offer, Lord Palmerston wrote to a friend as follows:—

> "I have gratefully accepted Her Majesty's gracious offer as, thank God, there is no question of any damned merit about the honour conferred on me."

I say I find myself more or less in the same position, for you have agreed to accept me as your President on the sole ground that I am, in age, the senior-most member of this Assembly. Whatever the ground, however, on which you have chosen to have me as your first President, I am nonetheless profoundly grateful to you. I have had, in my fairly long life, several honours conferred on me in recognition of my services as a humble worker in public interest, but I assure you that I regard your mark of favour as a signal honour, which I shall cherish throughout the rest of my life.

On this historic and memorable occasion, you will not grudge, I am sure, if I venture to address to you some observations on certain aspects of what is called a Constituent Assembly. This political method of devising a constitution for a country has not been known to our fellow-subjects in Britain, for the simple reason, that under the British Constitution, there is no such thing as a constituent law, it being a cherished privilege of the British Parliament, as the sole sovereign authority, to make and unmake all laws, including the constitutional law of the country. As such, we have to look to countries other than Britain to be able to form a correct estimate of the position of a Constituent Assembly. In Europe, the oldest Republic, that of Switzerland, has not had a Constituent Law, in the ordinary sense of that term, for it came into existence, on a much smaller scale than it now exists, due to historic causes and accidents, several centuries back. Nevertheless, the present constitutional system of Switzerland has several notable and instructive features, which have strongly been recommended by qualified authorities to Indian constitution-makers, and I have no doubt that this great Assembly will study carefully the Swiss Constitution, and try to utilize it to the best advantage in the interest of preparing a suitable constitution for a free and independent India.

The only other State in Europe, to the constitution of which we could turn with some advantage, is that of France, the first Constituent Assembly of which (called "The French National Assembly") was convoked in 1789, after the French Revolution had succeeded in over-throwing the French monarchy. But the French Republican system of Government had been changed since then, from time to time, and is even now, more or less, in the melting pot. Though, therefore, you may not be able to derive as much advantage from a study of the French system of constituent law as that of the Swiss, that is no reason why you should not seek to derive what advantage you can in the preparation of the task before you, by a study of it.

As a matter of fact, the French constitution-makers, who met in 1789 at the first Constituent Assembly of their country, were themselves largely influenced by the work done but a couple of years earlier, in 1787, by the historic Constitutional Convention held at Philadelphia by the American constitution-makers, for their country. Having thrown off their allegiance to the British King in Parliament, they met and drew up what had been regarded, and justly

so, as the soundest, and most practical and workable republican constitution in existence. It is this great constitution, which had been naturally taken as the model for all subsequent constitutions not only of France, but also of the self-governing Dominions of the British Commonwealth, like Canada, Australia, and South Africa; and I have no doubt that you will also, in the nature of things; pay in the course of your work, greater attention to the provisions of the American Constitution than to those of any other.

I have referred above to the self-governing constitutions of the great Dominions of the British Commonwealth being based on, to a large extent, if not actually derived from, the American constitutional system. The first to benefit by the American system was Canada, the historic Convention of which country, for drawing up a self-governing constitution, met in 1864, at Quebec. This Convention drew up the Canadian Constitution, which was subsequently embodied in what is still on the Statute Book as the British North American Act, passed by the British Parliament in 1867. You may be interested to hear that the Quebec Convention consisted of only 33 delegates from all the provinces of Canada, and that Convention of 33 representatives issued as many as 74 resolutions, which were afterwards duly incorporated in toto in the British North American Act, under the provisions of which the first self-governing Dominion of the British Commonwealth of Canada, came into existence, in 1867. The British Parliament accepted the Canadian Convention's scheme in its entirety, except for making only one drafting amendment. I hope and pray, Hon'ble Members, that your labours may be crowned with a similar success.

The American constitutional system was more or less adopted in the schemes prepared for framing the Constitutions of Australia and South Africa, which shows that the results achieved by the American Convention, held at Philadelphia in 1787, had been accepted by the world as a model for framing independent federal constitutions for various countries. It is for these reasons that I have felt justified in inviting your attention to the American system of constituent and constitutional law as one which should be carefully studied by you—not necessarily for wholesale adoption, but for the judicious adaptation of its provisions to the necessities and requirements of your own country, with such modifications as may be necessary or essential owing to the peculiar conditions of our social, economic and political life. I have done so as according to Munro—a standard authority on the subject—the American Constitution is based on "a series of agreements as well as a series of compromises". I may venture to add, as a result of my long experience of public life for now nearly half a century, that reasonable agreements and judicious compromises are nowhere more called for than in framing a constitution for a country like India.

In commending to you for your careful consideration and acceptance, with reasonable agreements and judicious compromises, the fundamental principles of the American system, I cannot do better than quote the striking observations on the subject of the greatest British authority, namely Viscount Bryce, who in his monumental work, called "The American Commonwealth", writes as follows, putting in a very few lines the substance of the fundamental principles of the American Constitution:—

> "Its central or national is not a mere league, for it does not wholly depend on the component communities which we call the States. It is itself a Commonwealth, as well as a union of Commonwealths, because it claims directly the obedience of every citizen, and acts immediately upon him through its courts and executive officers. Still less are the minor communities, the States, mere sub-divisions of the Union, mere creatures of the National Government, like the counties of England, or the Departments of France. They have over their citizens an authority which is their own, and not delegated by the Central Government."

It may possibly be that in some such scheme, skilfully adapted to our own requirements, a satisfactory solution may be found for a constitution for an

Independent India, which may satisfy the reasonable expectations and legitimate aspirations of almost all the leading political parties in the country. Having quoted the greatest British authority on the great, inherent, merits of the American Constitution, you will, I hope, bear with me a fairly long quotation from the greatest American Jurist, Joseph Story. In concluding his celebrated book, called "Commentaries on the Constitution of the United States", he made certain striking and inspiring observations which I present to you as worthy of your attention. Said Story:—

"Let the American youth never forget, that they possess (in their Constitution) a noble inheritance, bought by the toils, and sufferings, and blood of their ancestors; and capable, if wisely improved, and faithfully guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of liberty, property, religion, and independence. The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful, as well as useful; its arrangements are full of wisdom and order; and its defences are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour by the folly, or corruption, or negligence of its only keepers, THE PEOPLE. Republics are created—*these are the words which I commend to you for your consideration*—by the virtue, public spirit, and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people, in order to betray them."

To quote yet one more leading authority on the almost ideal Constitution of America, James (at one time Solicitor-General of the United States) says in his highly instructive book, called, "The Constitution of the United States—Yesterday, Today, and Tomorrow"—

"Constitutions, as a governmental panacea, have come and gone; but it can be said of the American Constitution, paraphrasing the noble tribute of Dr. Johnson to the immortal fame of Shakespeare, that the stream of time which has washed away the dissoluble fabric of many other paper constitutions, has left almost untouched its adamantine strength. Excepting the first ten amendments, which were virtually a part of the original charter, only nine others have been adopted in more than one hundred and thirty years. What other form of government has better stood the test of time?"

Hon'ble Members, my prayer is that the Constitution that you are going to plan may similarly be reared for 'immorality', if the work of man may justly aspire to such a title, and it may be a structure of 'adamantine strength', which will outlast and overcome all present and future destructive forces.

Having invited your attention to some aspects of the question of constitution-making in Europe and America, I may now profitably turn to some aspects of the question in our own country. The first definite reference to a Constituent Assembly (though not under those words or under that particular name) I have found in a statement of Mahatma Gandhi, made so far back as 1922. Mahatmaji wrote:—

"Swaraj will not be a free gift of the British Parliament. It will be a declaration of India's full self-expression, expressed through an Act of Parliament. But it will be merely a courteous ratification of the declared wish of the people of India. The ratification will be a treaty to which Britain will be a party. The British Parliament, when the settlement comes, will ratify the wishes of the people of India as expressed through the freely chosen representatives."

The demand made by Mahatma Gandhi for a Constituent Assembly, composed of the "freely chosen representatives" of the people of India, was affirmed, from time to time, by various public bodies and political leaders, but it was not till May, 1934, that the Swaraj Party, which was then formed at Ranchi (in Bihar), formulated a scheme in which the following resolution was included:—

"This Conference claims for India the right of self-determination, and the only method of applying that principle is to convene a Constituent Assembly, representative of all sections of the Indian people, to frame an acceptable constitution."

The policy embodied in this resolution was approved by the All-India Congress Committee, which met at Patna—the capital of Bihar—a few days later, in May,

1934; and it was thus that the scheme of a Constituent Assembly for framing the Indian Constitution was officially adopted by the Indian National Congress.

The above resolution was confirmed at the session of the Congress held at Faizpur in December 1936. The confirming resolution declared that—

"The Congress stands for a genuine democratic State in India where political power has been transferred to the people, as a whole, and the Government is under their effective control. Such a State can only come into existence through a Constituent Assembly having the power to determine finally the constitution of the country."

In November, 1939, the Congress Working Committee adopted a resolution which declared that—

"Recognition of India's independence and the right of her people to frame their constitution through a Constituent Assembly is essential."

I may add that in the resolutions from which I have quoted above (those adopted at the Congress Working Committee of November 1939, and at the Faizpur session of the Congress of 1936) it was declared that the Constituent Assembly should be elected on the basis of adult suffrage. Since the Congress gave a lead on the subject in 1934, the idea of a Constituent Assembly had come to prevail largely as an article of faith in almost all the politically-minded classes in the country

But until the adoption of the resolution on Pakistan, in March 1940, by the Muslim League, that political organization had not favoured the idea of a Constituent Assembly as a proper and suitable method for framing a constitution for this country. After the adoption of that resolution, however, the attitude of the Muslim League seems to have undergone a change in favour of the idea of a Constituent Assembly—one for the areas claimed by the League for a separate Muslim State, and the other for the rest of India. Thus it may be stated that the idea of a Constituent Assembly, as the only direct means for the framing of a constitution in this country, came to be entertained and accepted by the two major political parties in 1940, with this difference that while the Congress desired one Constituent Assembly for India, as a whole, the Muslim League wanted two Constituent Assemblies, in accordance with its demand for two separate States in the country. Any way, whether one or two, the idea of a Constituent Assembly being the proper method for the framing of a constitution had clearly dawned by that time on public consciousness in the country, and it was with reference to that great mental upheaval that Pandit Jawaharlal Nehru declared that "it means a nation on the move, fashioning for itself a new Government of its own making, through their elected representatives".

It remains to add that the conception of a Constituent Assembly as the most appropriate method for framing the constitution of India had also found favour with the members of the Sapru Committee in the report of which, issued last year (1945), is formulated a definite scheme for the composition of a Constituent Assembly. We are meeting, however, in this Assembly today, under the scheme propounded by the British Cabinet Mission, which, though differing from the suggestions made on the subject by the Congress, the League, and other political organizations, had devised a scheme which though not by all, had been accepted by many political parties, and also by large sections of the politically-minded classes in the country, but also by those not belonging to any political party, as one well worth giving a trial, with a view to end the political deadlock, which had obtained for now many years past, and frustrated our aims and aspirations. I have no desire to go further into the merits of the British Cabinet Mission's scheme as that might lead me to trespass on controversial ground, which I have no desire to traverse on the present occasion. I am aware that some parts of the scheme, propounded by the British Cabinet Mission, have been the subject of acute controversies between some of the political parties amongst us, and I do not want, therefore, to rush in where even political angels might well fear to tread.

Hon'ble Members, I fear I have trespassed long on your patience, and should now bring my remarks to a close. My only justification for having detained you so long is the uniqueness of this great and memorable occasion in the history of India, the enthusiasm with which this Constituent Assembly had been welcomed by large classes of people in this country, the keen interest which matters relating to it had evoked amongst various communities, and the prospect which it holds out for the final settlement of the problem of all problems, and the issue of all issues, namely, the political independence of India, and her economic freedom. I wish your labours success, and invoke Divine blessings that your proceedings may be marked not only by good sense, public spirit, and genuine patriotism, but also by wisdom, toleration, justice, and fairness to all; and above all with a vision which may restore India to her pristine glory, and give her a place of honour and equality amongst the great nations of the world. Let us not forget to justify the pride of the great Indian poet, Iqbal, and his faith in the immortality of the destiny of our great, historic, and ancient country, when he summed up in these beautiful lines:

Yunan-o-Misr-o-Roma sab mit gaye jahan se,
Baqi abhi talak hai nam-o-nishan hamara.

Kuch bat hai ke hasti mit-ti nahin hamari,
Sadion raha hai dushman daur-e-zaman hamara.

It means: "Greece, Egypt, and Rome, have all disappeared from the surface of the Earth; but the name and fame of India, our country, has survived the ravages of Time and the cataclysms of ages. Surely, surely, there is an eternal element in us which had frustrated all attempts at our obliteration, in spite of the fact that the heavens themselves had rolled and revolved for centuries, and centuries, in a spirit of hostility and enmity towards us." I particularly ask of you to bring to your task a broad and catholic vision, for as the Bible justly teaches us—

"Where there is no vision the people perish." (*Applause*).

NOMINATION OF DEPUTY CHAIRMAN

The Chairman (Dr. Sachchidananda Sinha): I have a proposal to make to you on purely personal grounds, and I hope you will kindly approve of it. For many years past, under medical advice, I have not been able to do any work in the afternoons, and I do not propose to sit after the luncheon recess. So for the time I am temporary Chairman, while the House is going on with the presentation of credentials and the signing of the register in the afternoon, I propose to request the House to give me the assistance of a Deputy Chairman, and I propose that Mr. Frank Anthony be nominated by you. (After a pause.) I declare the motion carried.

DEATH OF MR. PRASANNA DEB RAIKUT

The Chairman (Dr. Sachchidananda Sinha): Next, I am informed that a member of our Constituent Assembly, who had been duly elected, had passed away, Mr. Prasanna Deb Raikut from Bengal, and I desire on behalf of the Constituent Assembly to convey our condolence to his relations. I think I may take it as carried.

PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

The Chairman (Dr. Sachchidananda Sinha): Now I think we shall start the formal business which is the presentation of credentials and the signing of the Register. I will present my credentials to myself. Though Hon'ble Members

must pass through certain formalities, I have cut out from the procedure the coming of members to the platform to shake hands with the Chairman after signing the Register. We tested this matter yesterday, and found that it would take about a minute and a half, if not two minutes, if after signing his name each member were to ascend this platform by the circuitous route, and shake hands with the Chairman, and then return to his seat. So, I have thought that that formality may be dispensed with. The Secretary will now call out the names of Hon'ble Members, who will come up, present to him their credentials, sign the Register, and go back to their seats.

The following Members then presented their credentials and signed their names in the Register:—

MADRAS

1. The Hon'ble Sri C. Rajagopalachariar.
2. Dr. B. Pattabhi Sitaramayya.
3. The Hon'ble Sri T. Prakasam.
4. The Hon'ble Dewan Bahadur Sir N. Gopalaswami Ayyangar.
5. Diwan Bahadur Sir Alladi Krishnaswami Ayyar.
6. Shrimati Ammu Swaminathan, M.L.A. (Central).
7. Mr. S. H. Prater, O.B.E., J.P., C.M.Z.S., M.L.A (Bombay).
8. Raja of Bobbili.
9. Sri M. Ananthasayanam Ayyangar, M.L.A. (Central).
10. Professor N. G. Ranga, M.L.A. (Central).
11. Sri T. A. Ramalingam Chettiyar, M.L.A. (Central).
12. Sri K. Kamaraja Nadar, M.L.A.
13. Sri K. Madhava Menon, M.L.C.
14. Sri B. Shiva Rao.
15. Sri K. Santhanam.
16. Sri T. T. Krishnamachari.
17. Sri B. Gopala Reddi, M.L.A.
18. Shrimati Dakshayani Velayudan, M.L.C. (Cochin).
19. Sri V. I. Muniswami Pillai, M.L.A.
20. Sri K. Chandramouli, M.L.A.
21. Sri D. Govinda Doss, M.L.A.
22. Rev. Jerome D'Souza, S.J.
23. Sri Ramanath Goenka.
24. Sri H. Sitarama Reddi, M.L.A.
25. Sri U. Srinivasa Mallayya.
26. Sri Kala Venkata Rao, M.L.A.
27. Sri P. Kunhiraman.
28. Shrimati G. Durgabai.

29. Sri P. Kakkan, M.L.A.
30. Sri N. Sanjeeva Reddi, M.L.A.
31. Sri O. P. Ramaswami Reddiyar, M.L.C.
32. Sri C. Perumalswami Reddi, M.L.C.
33. Sri M. C. Veerabahu Pillai.
34. Mr. T. J. M. Wilson, M.L.A.
35. Sri P. L. Narasimha Raju, M.L.A.
36. Sri S. Nagappa, M.L.A.
37. Sri L. Krishnaswami Bharathi.
38. Sri O. V. Alagesan.
39. Sri V. C. Kesava Rao.
40. Dr. V. Subrahmanyam.
41. Sri C. Subrahmanyam.
42. Sri V. Nadimuthu Pillai.

BOMBAY

1. The Hon'ble Sardar Vallabhbhai J. Patel.
2. The Hon'ble Mr. B. G. Kher.
3. The Rt. Hon'ble Dr. M. R. Jayakar, P.C.
4. Mr. K. M. Munshi.
5. Mr. Shankar Dattatraya Deo.
6. Mr. Narhar Vishnu Gadgil.
7. Mr. S. K. Patil.
8. Mrs. Hansa Mehta, M.L.C.
9. Dr. Joseph Alban D'Souza, M.L.A.
10. Mr. M. R. Masani, M.L.A. (Central)
11. Mr. R. M. Nalavade, M.L.A.
12. Mr. B. M. Gupte, M.L.A.
13. Mr. S. Nijalingappa.
14. Mr. R. R. Diwakar.
15. Mr. S. N. Mane, M.L.A.
16. Mr. Khandubhai Kasanji Desai.
17. Mr. H. V. Pataskar, M.L.A.
18. Mr. Kanayalal Nanabhai Desai, M.L.A.
19. Mr. K. M. Jedhe.

BENGAL

1. Mr. Sarat Chandra Bose.
2. Dr. B. R. Ambedkar.
3. Mr. Kiran Shankar Roy, M.L.A.
4. Mr. Frank Reginald Anthony, M.L.A. (Central).
5. Mr. Satya Ranjan Baksi.
6. Dr. Prafulla Chandra Ghosh.
7. Sir Uday Chand Mahtab, K.C.I.E., M.L.A.
8. Dr. Suresh Chandra Banerjee, M.L.A.
9. Mr. Debi Prosad Khaitan, M.L.A.
10. Mrs. Leela Ray.
11. Mr. Damber Singh Gurung, M.L.A.
12. Dr. Syama Prasad Mookherjee, M.L.A.
13. Mr. Ashutosh Mallick, M.L.A.
14. Mr. Radhanath Das, M.L.A.
15. Mr. Promatha Ranjan Thakur, M.L.A.
16. Mr. Hem Chandra Nasker, M.L.A.
17. Mr. Somnath Lahiri.
18. Mr. Rajkumar Chakravarty.
19. Mr. Priyaranjan Sen.
20. Mr. Prafulla Chandra Sen.
21. Mr. J. C. Majumder.
22. Mr. Surendra Mohan Ghose.
23. Mr. Arun Chandra Guha.
24. Mr. Dhananjoy Roy, M.L.A.
25. Mr. Dhirendra Nath Datta, M.L.A.

UNITED PROVINCES

1. Acharya J. B. Kripalani.
2. The Hon'ble Pt. Govind Ballabh Pant.
3. The Hon'ble Shri Purushottam Das Tandon.
4. The Hon'ble Pt. Hirday Nath Kunzru.
5. Shri Govind Malaviya, M.L.A. (Central).
6. Pt. Shri Krishna Dutt Paliwal, M.L.A. (Central).
7. Shri Mohan Lal Saksena, M.L.A. (Central).
8. Acharya Jugal Kishore, M.L.A.
9. Mrs. Purnima Banerji, M.L.A.
10. Shri Sri Prakasa, M.L.A. (Central).
11. Shrimati Sucheta Kripalani.
12. Sardar Jogendra Singh, M.L.A. (Central).
13. Shri Damodar Swarup Seth, M.L.A. (Central).
14. Shri Algu Rai Shastri, M.L.A.
15. Shri Banshi Dhar Misra, M.L.A.
16. Shri Bhagwan Din, M.L.A.

17. Shri Kamlapati Tiwari, M.L.A.
18. Shrimati Kamla Chaudhri.
19. Raja Jagannath Bakhsh Singh, M.L.A.
20. Shri Harihar Nath Shastri, M.L.A.
21. Shri Gopal Narain, M.L.A.
22. Shri Feroze Gandhi.
23. Shri Jaspat Roy Kapoor.
24. The Hon'ble Pt. Jawahar Lal Nehru.
25. The Hon'ble Mr. Rafi Ahmad Kidwai.
26. Sir S. Radhakrishnan.
27 Shri Dayal Das Bhagat, M.L.A.
28. Shri A. Dharam Das, M.L.A.
29. Shri Gopi Nath Srivastava.
30. Shri Dharam Prakash.
31. Shri Ajit Prasad Jain, M.L.A.
32. Shri Ram Chandra Gupta, M.L.C.
33. Shri Pragi Lal, M.L.A.
34. Shri Phool Singh, M.L.A.
35. Shri Masuria Din, M.L.A.
36. Shri Shibban Lal Saksena.
37. Shri Khurshed Lal.
38. Shri Sunder Lall.
39 Shri Har Govind Pant, M.L.A.
40. Shri R. V. Dhulekar, M.L.A.
41. Shri Vishwambhar Dayal Tripathi, M.L.A.
42. Shri Venkatesh Narayan Tivary, M.L.A.

PUNJAB

1 Diwan Chaman Lall, M.L.A. (Central).
2 Sardar Harnam Singh.
3. Sardar Kartar Singh, M.L.A.
4. Sardar Ujjal Singh, M.L.A.
5. The Hon'ble Mr. Mehr Chand Khanna.
6. Sardar Pratap Singh, M.L.A.
7. Bakhshi Sir Tek Chand.
8. Sardar Prithvi Singh Azad, M.L.A.
9. Pandit Shri Ram Sharma, M.L.A.
10. Rao Bahadur Chaudhri Suraj Mal, M.L.A.
11. Dr. Gopi Chand Bhargava, M.L.A.
12. Chaudhri Harbhaj Ram, M.L.A.

BIHAR

1. The Hon'ble Dr. Rajendra Prasad.
2. Mrs. Sarojini Naidu.
3. The Hon'ble Mr. Jagjivan Ram.
4. The Hon'ble Mr. Shri Krishna Sinha.
5. Mr. Satyanarayan Sinha, M.L.A. (Central).
6. The Hon'ble Maharajadhiraja Sir Kameshwara Singh, K.C.I.E., of Darbhanga.
7. Dr. P. K. Sen.
8. The Hon'ble Mr. Anugrahnarayan Sinha.
9. Mr. Banarsi Prasad Jhunjhunwala, M.L.A. (Central).
10. The Hon'ble Rai Bahadur Sri Narain Mahtha.
11. Mr. Deshbandhu Gupta, M.L.A. (Central).
12. Mr. Ramnarayan Singh, M.L.A. (Central).
13. Mr. A. K. Ghosh, M.L.A.
14. Mr. Bhagwat Prasad, M.L.A.
15. Mr. Boniface Lakra, M.L.C.
16. Mr. Rameshwar Prasad Sinha, M.L.A.
17. Mr. Phulan Prasad Varma, M.L.A.
18. Mr. Mahesh Prasad Sinha, M.L.A.
19. Mr. Sarangdhar Sinha, M.L.A.
20. Rai Bahadur Syamanandan Sahaya, M.L.A., C.I.E
21. Mr. Brajeshwar Prashad.
22. Mr. Jaipal Singh.
23. Mr. Chandrika Ram, M.L.C.
24. Mr. Kamleshwari Prasad Yadav, M.L.A.
25. Mr. Jagat Narain Lal, M.L.A.
26. Mr. Jadubans Sahay, M.L.A.
27. Mr. Guptanath Singh, M.L.A.
28. Mr. Dip Narayan Sinha, M.L.A.
29. Mr Devendra Nath Samanta, M.L.C.
30. Dr. Sachchidananda Sinha, M.L.A.

C. P. AND BERAR

1. The Hon'ble Pt. Ravi Shankar Shukla.
2. Dr. Sir Hari Singh Gour.
3. The Hon'ble Mr. Brijlal Nandlal Biyani.
4. Mr. Rustom Khurshedji Sidhwa, M.L.A.
5. Seth Govinddas, M.L.A. (Central).
6. Thakur Chhedilal, M.L.A.
7. Mr Hari Vishnu Kamath.
8. Mr. Cecil Edward Gibbon, M.L.A.
9. Mr Shankar Tryambak Dharmadhikari

10. Guru Agamdas Agarmandas, M.L.A.
11. Dr. Punjabrao Shamrao Deshmukh.
12. Mr. B. A. Mandloi, M.L.A.
13. Mr. H. J. Khandekar.
14. Mr. L. S. Bhatkar, M.L.A.

ASSAM

1. The Hon'ble Srijut Gopinath Bardoloi.
2. The Hon'ble Rev. J. J. M. Nichols-Roy.
3. Srijut Omeo Kumar Das, M.L.A.
4. The Hon'ble Srijut Basanta Kumar Das.
5. Srijut Dharanidhar Basu Matari, M.L.A.
6. Srijut Rohini Kumar Chaudhury, M.L.A. (Central).
7. Babu Akshay Kumar Das, M.L.A.

N.-W. F. PROVINCE

1. Maulana Abul Kalam Azad.
2. Khan Abdul Ghaffar Khan.

ORISSA

1. The Hon'ble Sri Hare-Krushna Mahtab.
2. Mrs. Malati Chowdhury.
3. Sri Biswanath Das.
4. Sri Bodhram Dube, M.L.A.
5. Sri Lakshminarayan Sahu, M.L.A.
6. Mr. B. Das.
7. Sri Nandakishore Das.
8. Sri Raj Krushna Bose, M.L.A.
9. Sri Santanu Kumar Das, M.L.A.

The Chairman (Dr. Sachchidananda Sinha): It has been brought to my notice that there is no Speaker in Sind as there is no legislature there now. Under the circumstances, the Secretary of the Assembly there, has signed the credentials certificates. They may be accepted.

SIND

1. Mr. Jairamdas Daulatram

DELHI

1. The Hon'ble Mr. M. Asaf Ali.

AJMER-MERWARA

1. Pt. Mukut Bihari Lal Bhargava, M.L.A. (Central).

COORG

1. Mr. C. M. Poonacha, M.L.C.

The Chairman (Dr. Sachchidananda Sinha): If any Hon'ble Member's name has not been called through oversight, he will stand and his name will be called out. He will then come and sign his name in the Register.

(No one stood up.)

The Chairman (Dr. Sachchidananda Sinha): That finishes our agenda for today. Therefore, there will be no sitting in the afternoon. The Assembly will meet tomorrow. A new agenda will be prepared, which is not yet ready. I have asked the Constitutional Adviser's Office to circulate the agenda to Hon'ble Members, if possible by this evening, and I hope it may be done. If you so desire, the Assembly will meet at 11 A.M. or 11-30.

Many Hon'ble Members: 11 A.M.

The Chairman (Dr. Sachchidananda Sinha): We shall meet at 11.

The Assembly then adjourned till Tuesday, the 10th December 1946, at 11 A.M.



Volume I
No. 2

Tuesday
10th December
1946

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Tuesday, the 10th December, 1946

CONSTITUENT ASSEMBLY OF INDIA

Corrigendum

In the Constituent Assembly Debates, dated the 9th December, 1946, Vol. I, No. 1, page 8, under the heading "Presentation of Credentials and signing of the Register", below "Madras". after the name of "Mr. S. H. Prater" *insert* the following as No. 8 and *re-number* the serial of the remaining names accordingly :—

"8. Dr. P. Subbarayan".

for election by delivering to the temporary Chairman [illegible] by him a nomination paper signed by the proposer and by a third member as seconder and stating—

(a) the name of the member nominated, and

(b) that the proposer has ascertained that such member is willing to serve as Chairman, if elected.

(2) At any time to be the temporary Chairman, the temporary Chairman shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders and, if only one member has been so nominated, shall declare that member to be duly elected. If more than one member has been so nominated the Assembly shall proceed to elect the Chairman by ballot on a date to be fixed by the temporary Chairman.

(3) For the purpose of rule (2) a member shall not be deemed to have been duly nominated or be entitled to vote, if he and his proposer and seconder have not signed the Assembly Register as members of the Assembly.

(4) Where only two candidates are nominated, the candidate who obtains at the ballot the larger number of votes shall be declared elected. If they obtain an equal number of votes, the election shall be by the drawing of lots.

CONSTITUENT ASSEMBLY OF INDIA

Tuesday, the 10th December, 1946

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, the temporary Chairman (Dr. Sachchidananda Sinha) in the chair.

The Chairman (Dr. Sachchidananda Sinha): If any Hon'ble Member has arrived since yesterday afternoon, who has not yet signed the Register nor presented his credentials, he may do so now.

(Nobody came forward).

The Chairman (Dr. Sachchidananda Sinha): I shall now take up item No. 2 which is the moving of a Resolution prescribing procedure for the election of a permanent Chairman. I understand that Acharya Kripalani will move this resolution. I invite him to do so.

PROCEDURE FOR ELECTION OF PERMANENT CHAIRMAN

Acharya J. B. Kripalani (United Provinces: General): Sir, with your permission, I propose to move the following resolution prescribing the procedure for the election of the permanent Chairman whom we propose to call as the President of the Constituent Assembly. The resolution runs thus:

"The Assembly hereby resolves that the following rules for the election of Chairman be adopted :

'(1) At any time before 2-30 P.M., today any member may nominate another member for election by delivering to the temporary Chairman or to a person appointed by him a nomination paper signed by the proposer and by a third member as seconder and stating—

(a) the name of the member nominated, and

(b) that the proposer has ascertained that such member is willing to serve as Chairman, if elected.

(2) At any time to be the temporary Chairman, the temporary Chairman shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders and, if only one member has been so nominated, shall declare that member to be duly elected. If more than one member has been so nominated the Assembly shall proceed to elect the Chairman by ballot on a date to be fixed by the temporary Chairman.

(3) For the purpose of rule (2) a member shall not be deemed to have been duly nominated or be entitled to vote, if he and his proposer and seconder have not signed the Assembly Register as members of the Assembly.

(4) Where only two candidates are nominated, the candidate who obtains at the ballot the larger number of votes shall be declared elected. If they obtain an equal number of votes, the election shall be by the drawing of lots.

(5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election, and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be, and such candidate shall be declared elected.

(6) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under rule (4) the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by the drawing of lots."

This resolution for the procedure of election of the President needs no words from me to recommend itself to the House. These are the usual rules applied in all legislative assemblies.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General): I beg to second the resolution.

The Chairman (Dr. Sachchidananda Sinha): The resolution has been duly moved and seconded. I shall put it to the vote now.

Dr. P. S. Deshmukh (C. P. and Berar: General): Sir, may I suggest some verbal alterations?

The Chairman (Dr. Sachchidananda Sinha): The Hon'ble Member is fully entitled to make any suggestions he desires, and we shall consider them after they have been noted down. Will the Hon'ble Member come to the rostrum before making his suggestions?

Dr. P. S. Deshmukh: (after having come to the rostrum) I suggest that in paragraph (1), line 4, the word "third" be substituted by the word "another", and that in paragraph 3, in the last but one line of that paragraph the word "and" in both places in that line be substituted by the word "or". I think these changes are, in my opinion, necessary.

The Chairman (Dr. Sachchidananda Sinha): Does Acharya Kripalani accept these changes?

Acharya J. B. Kripalani: There is no objection.

Sri K. Santhanam (Madras: General): It means that the seconder may mean a non-member.

The Chairman (Dr. Sachchidananda Sinha): I am not here to interpret it. Interpretation is a most dangerous thing. If the House will permit me, I shall read out the proposed amendments. The first amendment proposed is that in paragraph (1) for the word "third" the word "another" be substituted. Does Acharya Kripalani accept it?

Acharya J. B. Kripalani: So far as I am concerned I accept it; I have no objection.

The Chairman (Dr. Sachchidananda Sinha): Is there any objection on the part of any Hon'ble Member to the word "third" being changed into "another"?

Sri M. Ananthasayanam Ayyangar (Madras: General): I have got objection to this amendment. The inconvenience of accepting this change is this. There are already in the earlier portion of the paragraph the words "another member" in the second line of the paragraph, and if you accept the present amendment, it means that a person who is to be the Chairman, has himself got to be the seconder, and that is an absurdity. I therefore oppose this amendment. The original word "third" should continue and there is no meaning in this amendment.

The Chairman (Dr. Sachchidananda Sinha): Do you desire that the original word in Acharya Kripalani's amendment should stand, and that no change should be made?

Sri M. Ananthasayanam Ayyangar: Yes.

Dr. P. S. Deshmukh: I see the objection to my amendment, and do not press it. But, I think it would sound far better if the first word "another" is changed into "a" and the word "third" altered into "another". I am afraid that it might look as if I am suggesting too many changes. But we are making a constitution, and I do not want that anything should go out of this House . . .

The Chairman (Dr. Sachchidananda Sinha): It is not a matter of constitution at all. You first made one proposal that the word "third" be changed into "another". If you bring up another proposal before your first proposal is disposed of, that is not fair to the House. Now the only question before the House is, whether the word "third", as put down in Acharya Kripalani's resolution, should be changed into "another". After this is disposed of, you may bring up any other proposal that you like.

Dr. P. S. Deshmukh: This is a consequential suggestion. I will read out to you . . . . . .

The Chairman (Dr. Sachchidananda Sinha): No.

Acharya J. B. Kripalani: I think the thing as it stands is the best. I accepted the amendment in order to avoid a controversy.

The Chairman (Dr. Sachchidananda Sinha): If I may advise the House, I think there is no substantial difference in the meaning. The word may stand as it is, but it is for the House to decide.

The Hon'ble Sri C. Rajagopalachari (Madras: General): The mover of the amendment is under a misapprehension, I fancy. It is not a matter of elegance of language. The points that are covered by the words as they stand in the original Resolution are these. There should be a proposer distinct from the man proposed. Again, the other point is that the seconder should be distinct from either of these two. Therefore the word "third" is precise and necessary and any change will lead to a mistake.

An Hon'ble Member: When the mover of this Resolution has already accepted the amendment suggested, I don't think any further discussion is necessary.

The Chairman (Dr. Sachchidananda Sinha): But you may certainly permit the mover of a Resolution to change his mind subsequently. It would do no harm. You would not prevent him from doing that. I think as a result of this discussion, which we have had on this point, the word "third" may be left as it is.

An Hon'ble Member: Sir, it was moved formally by Acharya Kripalani that the name of the Chairman should be the "President". That was not put to the vote. I don't know if it is necessary to put it to the vote, and if it has been adopted.

The Chairman (Dr. Sachchidananda Sinha): No. It has not yet been adopted. I have been advised by the Constitutional Adviser that according to the procedure in Parliament we have to use the word "Chairman" both for me, as the acting Chairman, and the permanent Chairman, but the Rules Committee, which will come into existence before long, will decide this matter. It will be open to the Rules Committee to adopt the word "President". Therefore the word "Chairman" may be left as it is for the time being.

We shall now take up the third sub-section of Acharya Kripalani's resolution.

"For the purpose of rule (2) a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not signed the Assembly Register as members of the Assembly."

The amendment is that the word "and", in the two places in this particular clause, should be substituted by the word "or". I should like to ask Acharya Kripalani whether he is prepared to accept that.

Acharya J. B. Kripalani: I submit that it makes no difference in the meaning, but "and" is more appropriate here.

The Chairman (Dr. Sachchidananda Sinha): I understand that you would prefer to adhere to the word "and" rather than have it changed into "or", though you say that practically they make the same thing?

Acharya J. B. Kripalani: Yes, Sir. I adhere to the words that are in the Resolution.

The Chairman (Dr. Sachchidananda Sinha): What is the sense of the House?

Some Hon'ble Members: "Or" is proper.

Many Hon'ble Members: No change.

The Chairman (Dr. Sachchidananda Sinha): The sense of the House seems to be that there is no need to change the word "and" into "or", and that the Resolution should stand as it is.

Mr. H. V. Kamath (C. P. and Berar: General): Sir, I wish to say a few words on this Resolution. There is no provision for withdrawal of a contesting candidate.

The Chairman (Dr. Sachchidananda Sinha): I think the Hon'ble Member who has now come to address us wants to say that in all such rules there is provision for withdrawal of a member from an election contest. I think that is true. He says there should be—though necessity may not arise for it—but there should be a provision added that if any member nominated for election desires to withdraw himself from the contest he may do so at some time. I don't think there is any harm in adding that.

Mr. H. V. Kamath: With your permission, Sir, I wish to recommend the insertion of this clause "Where more than one candidate has been nominated, the Chairman will fix a date and time for the withdrawal of one or more of such candidates if he or they so desire."

The Chairman (Dr. Sachchidananda Sinha): Quite right. I shall try to put in clear language as well as I can, the substance of your suggestion. It may be added.

Well now, all the amendments having been disposed of, I put it formally to the House now that Acharya Kripalani's Resolution be carried.

The Resolution was adopted.

The Chairman (Dr. Sachchidananda Sinha): I declare Acharya Kripalani's resolution duly carried.

PROVISIONAL ADOPTION OF CENTRAL LEGISLATIVE ASSEMBLY RULES AND STANDING ORDERS

The Chairman (Dr. Sachchidananda Sinha): Now I would invite the Hon'ble Pandit Jawahar Lal Nehru to move the first of the three resolutions remaining to be moved.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General): Sir, I beg to move this formal resolution which I hope will facilitate the business of the House, namely—

"That the Assembly do adopt, with such modifications as the Chairman may in his absolute discretion permit, the Rules and Standing Orders of the Central Legislative Assembly, pending the framing by the Constituent Assembly of its own Rules of Procedure."

As the House knows, this Constituent Assembly has started without any rules and regulations made by any outside authority. It has to make its own rules. I am later moving a resolution in the House asking for the appointment of a Committee to make the rules. Presumably that Committee will take two or three days to finish the work. Now we have to function during these few days before our own rules have been made. It is desirable therefore that we should have something to fall back upon. And the easiest method is to adopt the rules of the Central Legislative Assembly in their entirety, not absolutely, because then it might give rise to considerable difficulty. But we should adopt them and give the right to the Chairman to modify them, if necessary, to suit the occasion.

The Chairman (Dr. Sachchidananda Sinha): Will the Hon'ble mover kindly modify the words "the Chairman may in his absolute discretion permit" something to be done. I suppose it means the permanent Chairman.

The Hon'ble Pandit Jawahar Lal Nehru: Whoever is presiding at the time.

The Chairman (Dr. Sachchidananda Sinha): Very well.

The Hon'ble Pandit Govind Ballabh Pant (United Provinces: General): I second the resolution.

The Chairman (Dr. Sachchidananda Sinha): Hon'ble Members may now offer amendments or suggestions, if any.

Sri Biswanath Das (Orissa: General): Sir, I wish to point out . . . . .

The Chairman (Dr. Sachchidananda Sinha): May I know if the Hon'ble Member is going to move any amendment?

Sri Biswanath Das: I see certain difficulties in the wording of the Resolution. I wish him to consider the position and see if it is not possible or desirable to withdraw the Resolution.

The Chairman (Dr. Sachchidananda Sinha): I must apologise to you, but I could not follow what you said.

Sri Biswanath Das: I propose to point out certain difficulties, as I see them, in this Resolution in its actual working.

The Chairman (Dr. Sachchidananda Sinha): In other words, you are objecting to the Resolution as drafted and moved.

Sri Biswanath Das: Yes.

The Chairman (Dr. Sachchidananda Sinha): Directly negativing the proposition? I hope the Hon'ble Mover will follow that. The speaker foresees certain difficulties in the way of carrying out the Resolution moved by the Hon'ble Pandit Nehru and he, therefore, though he does not use the word 'oppose', is really opposing the Resolution.

Sri Biswanath Das: I am very sorry I have to undertake a job which is very unusual with me. Need I state in this connection that I have been a silent supporter of the lead given by the Working Committee and by the Hon'ble Pandit Jawahar Lal Nehru. But I see certain difficulties in giving practical application to this Resolution. It proposes two or three things. Firstly, it says 'with

certain modifications as the Chairman in his absolute discretion permits'; secondly, it says "the rules of the Central Legislative Assembly may be given application". Sir, in the first place, the Rules Committee is going to be appointed very shortly. I believe it will, at best, take only two or three days to frame the rules and place them before the House. Let me hope that in the meanwhile we do not transact important business. Therefore the temporary proposals will not be very helpful despite the difficulties that are bound to arise in their application with various points of order.

Then, Sir, the Resolution leaves a lot of discretion to the Chair. I would appeal to my leader to consider whether it is not desirable and fair to leave the whole thing—the entire regulation of the business—to the Chair for two or three days within which period the regular rules will be framed and placed before the House. I suggest that if, in the meanwhile, the House proposes to do any business, let the work be regulated by the Chair in his absolute discretion, as is being permitted in the Resolution itself.

Thirdly, it is difficult for us to know the Procedure and the Rules and Standing Orders of the Central Legislature. For myself I do not know and I believe there are many Hon'ble Members here who have absolutely no knowledge of the Rules of Procedure of the Central Legislature. The rules differ in very important respects from Province to Province. It will take two or three days for members to acquaint themselves with the rules of the Central Legislature. Instead of putting the Hon'ble Members to this difficulty, I think it is better, to leave it to the Chair to regulate the business, if any, till such time as our own Committee frames rules.

Lastly, Sir, each one of the 220 members of this House may have to be supplied with a copy of the Rules of the Central Assembly. I do not know whether the Central Legislature may be able to supply so many copies of the Rules now, at short notice. In view of these difficulties I believe there is no harm if Panditji agrees to withdraw this Resolution and leave the entire option to the Chair as it is proposed in the Resolution. I have nothing more to say. I am very sorry that I have to 'oppose' it as you, Sir, put it though it is not my purpose to do so.

The Chairman (Dr. Sachchidananda Sinha): I may inform Mr. Biswanath Das that, whatever term it might suit him to use, I, as Chairman, have no option but to call his attitude as one of opposition.

Sri Biswanath Das: That may be so; but I have not spoken in any spirit of opposition.

Shri Sri Prakasa (United Provinces: General): I would like to support the Resolution moved by the Hon'ble Pandit Nehru. If my Hon'ble Friend Mr. Biswanath Das were to read the Standing Orders and Rules of the Central Legislature he will find that they are almost perfect. They cannot be improved upon. I am sure when our own Committee has sat and deliberated in the matter, it will find that it cannot make any changes therein. Sir, if your Secretary will circulate a copy of the Rules and Standing Orders of the Central Legislature to Hon'ble Members,—it does not cost very much—Mr. Biswanath Das and everyone else will find that the Rules that are good enough for the Central Legislature will be good enough for us also. I think it will be mere waste of time if we adjourn the business of this House in order to frame our own Rules of Business. I do not think you, Sir, as temporary Chairman, will find that these rules do not cover all possible contingencies that might arise in the course of our debate. I support my Hon'ble Friend, Pandit Jawahar Lal Nehru.

The Chairman (Dr. Sachchidananda Sinha): I am more concerned with knowing whether anyone is supporting Mr. Biswanath Das. (*Laughter*). I am

concerned with the technical aspect of the question that the proposal of Mr. Biswanath Das has not even been seconded. I think the sense of the overwhelming majority of the House is that Pandit Jawahar Lal Nehru's Resolution be adopted.

Mr. N. V. Gadgil (Bombay: General): I want to make a request that all the members of the Constituent Assembly be supplied with a copy of the Manual of Rules of Business and Standing Orders of the Central Legislative Assembly.

The Chairman (Dr. Sachchidananda Sinha): I do not know whether there are as many copies available. We may not have, however, I shall try my best to meet your wishes.

I now put the Resolution of Pandit Nehru to the vote. . . . . I declare it carried.

Now I shall request Pandit Nehru to move the next resolution, No. 6.

CONFIRMATION OF EXISTING ORGANISATION OF CONSTITUENT ASSEMBLY OFFICE

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General): Mr. Chairman, Sir, I beg to move the following resolution, namely:—

"That this Assembly do confirm the existing organisation of the Office of the Constituent Assembly, pending the final decision of this Assembly."

The House probably knows that for the last many months the Office of the Constituent Assembly has been functioning and has organised all that has gone before us, before the meeting of this Assembly. Much of their work has been completely behind the scenes and possibly few members realise the hard work that has preceded this meeting. In any event, the Office has to continue till the Assembly decides otherwise. Some kind of Office obviously the Assembly is going to have. It may choose to continue this Office, it may choose to expand it or to vary it but it must continue, and my Resolution is in a sense to legalise the continuation of this Office until such time as the Assembly thinks otherwise. I beg to move, Sir.

The Chairman (Dr. Sachchidananda Sinha): Is this Resolution seconded?

The Hon'ble Mr. M. Asaf Ali (Delhi): I have very great pleasure in seconding this resolution of Pandit Nehru.

The Chairman (Dr. Sachchidananda Sinha): I have very great pleasure in putting it to the vote. (*Laughter*). Am I not entitled to make any observation without provoking laughter? (*Renewed laughter*).

I would like to say, in support of your observations, Pandit Nehru, that in the few days that it has been my privilege to work with Sir B. N. Rau and his staff, I have received the greatest possible assistance, and I am sure they will continue to give the same valuable assistance to my successor. . . . . I declare the Resolution carried.

Acharya Kripalani will now move resolution No. 7.

COMMITTEE ON RULES OF PROCEDURE

Acharya J. B. Kripalani (United Provinces: General): Sir, we have assembled here, having no Rules of Procedure. Therefore it was that Pandit Jawahar Lal Nehru moved his first resolution so that till we are able to make our rules, the rules that apply in the conduct of business in the Central

Assembly may be applied in any resolution that we might discuss here before we have made our rules. These rules require very careful consideration. For that purpose I propose that a Committee be appointed. I therefore beg leave to move the following resolution that:—

"This Assembly resolves—

(1) to appoint a committee consisting of a Chairman and 15 other members to report on the following matters :

(a) Rules of Procedure of the Assembly." .

You will find in the copy you have got the words "Sections and Committees". Sections and Committees are part of this Assembly, and the words therefore appear to me to be superfluous. I have therefore taken them off. So—

"(a) Rules of Procedure of the Assembly;

(b) Powers of the Chairman;

(c) Organisation of the work of the Assembly, including the appointment and powers of Office-bearers other than the Chairman; and

(d) Procedure for the declaration and filling of vacancies in the Assembly;

(2) that the Chairman shall be the Chairman of the Committee;

(3) that the Members of the Committee be elected in the manner prescribed in the Schedule; and

(4) that, pending the decision of the Assembly in that behalf, the Chairman shall—

(a) fix the allowances of the Members of the Assembly;

(b) in the case of the servants of the Government of India or any Provincial Government whose services are placed at the disposal of the Assembly, fix their salaries and allowances in consultation with the Governments concerned; and

(c) fix the salaries and allowances of all other persons recruited directly for the business of the Assembly.

Schedule

1. The Members of the Committee shall be elected according to the principle of proportional representation by means of the single transferable vote. The election shall be conducted as nearly as possible in accordance with the regulations in force in this behalf in the Central Legislative Assembly.

2. The Chairman shall fix and announce a date and time for the holding of the election (if necessary) of the Members of the Committee.

3. Notice may be given by any member desirous of proposing a member or members for election to the Committee. Notice shall be given in writing addressed to the Secretary and signed by the Member giving notice and shall be left at the Notice Office before 12 NOON on a day to be fixed by the Chairman. The member giving notice must satisfy himself that the Members he proposes are willing to serve if elected."

After this I have added another paragraph. It runs as follows: It is not given in the paper you have got but it may be added:

"If within the time appointed by the Chairman any candidate proposed desires to withdraw his name, he shall be free to do.

4. If the number of candidates so nominated is less than the number of vacancies to be filled, the Chairman will appoint a further period within which the notice aforesaid may be given and may thereafter appoint additional further periods until the number of candidates is not less than the number of vacancies to be filled.

5. If the total number of candidates nominated is equal to the number of vacancies to be filled, the Chairman shall declare all the candidates to be duly elected.

6. If the total number of candidates nominated exceeds the number of vacancies, an election shall be held in the manner prescribed in rule 1.

7. For the purpose of these rules, a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer have not signed the Assembly Register as members of the Assembly."

An Hon'ble Member: No seconder required for these nominations? All that is mentioned is the proposer and the candidate.

Rai Bahadur Syamanandan Sahaya (Bihar: General): The Rules just now proposed do not include a seconder. I just wanted to make it clear if a seconder is required for these nominations or a proposer will do.

The Chairman (Dr. Sachchidananda Sinha): Rai Bahadur Syamanandan Sahaya wants to know whether the nominations to be made to the election of the Committee will require only a proposer or also a seconder.

Acharya J. B. Kripalani: Sir, no Seconder is necessary.

The Chairman (Dr. Sachchidananda Sinha): Very good.

Mr. H. V. Kamath (C. P. and Berar: General): I submit, Sir, that here again there is a pretty serious lacuna with reference to the disposal of election petitions. This Assembly, in my opinion, Sir, must appoint a Tribunal for the disposal of election petitions, where such elections have been challenged by Hon'ble Members. For instance, yesterday the Baluchistan election was challenged. That was on the Agenda yesterday, but there is no provision for the appointment of a Tribunal.

The Chairman (Dr. Sachchidananda Sinha): The Committee, I understand, will frame certain rules for that purpose. I advise them to keep in mind, that they should frame rules also for going into election cases.

Dr. Suresh Chandra Banerjee (Bengal: General): Is it the intention of the Mover that the Rules should also apply to Sections? In my opinion 'Section' should be specifically mentioned here because you know there are difficulties with particular Sections.

Dr. Syama Prasad Mookherjee (Bengal: General): I also support the proposal made by Dr. Suresh Chandra Banerjee. I think it will be safer to accept it. If it is the intention of the Mover that the Rules Committee will also frame rules for Sections and Committees, it is desirable to include Sections and Committees specifically in the Resolution, so that it may read like this "Rules of Procedure of the Assembly, including Sections and Committees."

The Chairman (Dr. Sachchidananda Sinha): Dr. Syama Prasad Mookherjee is making a suggestion to you that you may kindly accept his proposal to include or add one word there.

Acharya J. B. Kripalani: I think that the Rules of Procedure of Assembly, Sir, include the rules for Sections and Committees and I do not see why this superfluous addition be made in the draft as I have presented before the House.

Dr. Syama Prasad Mookherjee: May I just explain, Sir, that it is very necessary that the words 'including Sections and Committees' should be mentioned here? When the Sectional Assemblies will meet each may frame its own Rules of Procedure. The question may then arise whether the Constituent Assembly as such had the authority to frame Rules of Procedure for the Sections at all. Reference has then to be made to the Resolution which gave authority to the Rules Committee to frame rules and then the only mention which will be found will be that this Committee was appointed to frame Rules of Procedure of the Assembly. It will then be a question of interpretation whether the Rules Committee was at all entitled to frame rules for the Sections. If your intention is that this Rules Committee will also frame rules for the Sections, why not say specifically 'including Sections and Committees', so that there may not be any ambiguity or doubt whatsoever when Sections start doing their work.

The Hon'ble Shri Purushottamdas Tandon (United Provinces: General): I support the amendment of Dr. Mookherjee.

The Chairman (Dr. Sachchidananda Sinha): Have you any objection to substituting or adding that word 'including' there to make, as they contend, the sense clearer still?

Acharya J. B. Kripalani: I think if there are additional rules necessary for the Sections, it will be laid down that the Sections will not make any rules inconsistent with the rules of the whole Assembly. My submission, Sir, is that this Rules Committee will make general rules of a very broad nature and these will apply to Sections and Committees. If any Committee or if any Section wants any additional rules, they shall be made by it subject to this that such rules shall not be inconsistent with the general rules that this Committee has made. Therefore, I would like this section of the Resolution to stand as it is.

Sardar Harnam Singh (Punjab: Sikh): Mr. Chairman, I have got two points to put before this House regarding the Resolution proposed by Acharya Kripalani. One relates to para. 1 (a) of the resolution. I agree with Dr. Syama Prasad Mookherjee that instead of the words in para. 1 (a) of the resolution, "Rules of Procedure of the Assembly" it should be "Rules of Procedure of the Assembly, its Sections and Committees". That is my first proposal. The Cabinet Mission in their elucidations always referred to the Sections as Sections of the Constituent Assembly. Therefore, my proposal is that in para. 1 (a) of the rule must be read as "Rules of Procedure of the Assembly, its Sections and Committees".

Now there is another matter. Acharya Kripalani, in moving the Resolution stated that the words, "Sections and Committees", were superfluous and therefore he was for deleting them. In the proposed Rules of Procedure for the Assembly, it is therefore understood that the Rules of Sections and Committees are included. One of the Committees that you will be setting up in this preliminary session is the Advisory Committee for certain purposes outlined in paragraph 20 of the Cabinet Mission's proposals. The Cabinet Mission have clearly stated that the Advisory Committee must have full representation of the minorities. Now, when the Rules of Procedure for that Committee are to be framed by a Committee which is to be elected by this House, according to paragraph 1 of the Schedule I fear that minorities will not have any say in the Rules which are to regulate the procedure of the Advisory Committee. Therefore, my second proposal is that para. 1 of the Schedule, must read "Ten of the members of the Committee shall be elected according to the principle of proportional representation by means of the single transferable vote" and I wish to add a second para. That second para. would be, "The remaining five shall be nominated by the Chairman of the Assembly so as to give adequate representation on the Committee to important minorities." Otherwise, I fear the work of the Advisory Committee might be regulated in such a way as may go to the detriment of some important sections of this House, namely, the minorities. These are my two proposals and I submit that clause (1) may be amended as suggested and an additional para. may be added to the Schedule as para. 2 and instead of seven paragrpahs in the Schedule, we may have eight.

Mr. K. M. Munshi (Bombay: General): Mr. Chairman, I rise to support the amendment moved by Mr. Suresh Chandra Banerjee and supported by Dr. Syama Prasad Mookherjee. The business of this Assembly, to borrow the phraseology of the House of Commons, would naturally include the business of its Sections and Committees. Therefore, if the words stood as they are, "Rules of Procedure of the Assembly," there would be strictly no need to mention Sections and Committees. There is no doubt about that. But at the same time, we have not yet a clarification of the State Paper about this matter and it would be extremely unwise, I submit, Sir, to omit the words "Sections and Committees" because that would show that this Constituent Assembly is not a self-determining and self-governing institution which we insist it is. We may lay ourselves open

to the argument that any part or any section of it or any Committee of it can function independently or frame its own rules. Acharya Kripalani himself mentioned that if we left the thing as it is, rules could be made, whereby we can lay down that the Sections and Committees will not have the power to make rules which are contrary to or inconsistent with the rules made by this Committee. That argument itself shows that it is competent for this Procedure Committee to regulate to some extent the procedure of the Sections and Committees. In view of the discussion which has already taken place here, it is much better that the words 'Sections and Committees' should stand rather than their absence lead to further discussion on the interpretation of our Resolution. I envisage a point of order. Suppose this Procedure Committee starts considering questions about Sections or even incorporating a rule, as Acharya Kripalani desired, a point of order is sure to be raised whether the word "Assembly" includes 'Sections and Committees'. At that time, it would be the Chairman of the Procedure Committee who will have to give the ruling. It is better that that point should not be left merely to the decision of the Chairman of the Procedure Committee, who may be the permanent Chairman. It should be laid down definitely by this House that the Constituent Assembly is one and indivisible, that the Sections as already pointed out are Sections of the Assembly, and that they do not form independent bodies which can provide for procedure inconsistently with the rules of the Constituent Assembly. I therefore submit that it is necessary, particularly now as the question has been raised on the floor of this House, that the scope and extent of this resolution should be made clear by adding the words, "Rules of Procedure of the Assembly including its Sections and Committees".

The Hon'ble Srijut Basanta Kumar Das (Assam: General): Mr. Chairman, Sir, much of what I was going to say has been anticipated by Mr. Munshi. I would like to raise at this stage a point of order on the fundamental question as to whether this Constituent Assembly will have any right to scrutinize the work of the Sections and of Advisory Committees. This is necessary, Sir, in view of the principle that underlies the amendment that has been moved for including the Sections and Committees within the scope of the Resolution. Different functions have been allotted to the Sections and to the Advisory Committees. A Section will frame the Provincial Constitution and also a Group Constitution. The Advisory Committee will advise on the fundamental rights of citizens, on the way as to how the interests of minorities are to be protected and as to the scheme to be formulated for the administration of Excluded Areas. Now whatever the Section and the Advisory Committees do, they may say that this Constituent Assembly, the Plenary Session will have no right to scrutinize their acts. I would therefore request you, Sir, to give a ruling on this point as to how far the Constituent Assembly will be entitled to give direction or to examine the work of the Sections and of the Advisory Committees. Therefore, Sir, before this Resolution is adopted and before all the points that have been discussed in connection with the Resolution and the amendments moved on it, are further discussed, I would like to ask from you a ruling on this point.

The Chairman (Dr. Sachchidananda Sinha): I have no desire that my ruling should be dragged into the Federal Court. Therefore, instead of giving a ruling which I have no desire to do, I shall invite Pandit Jawahar Lal Nehru to express his views.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General): Mr. Chairman, Sir, this Resolution was considered to be a formal resolution but from the trend of the discussions held, it seems there is a certain misapprehension in the minds of Hon'ble Members. Some hold strong views about it. Undoubtedly anything that is done in the Sections will have to be considered by this House. I think the original draft was a proper draft but when this matter was brought up

in the shape of an amendment, then obviously it becomes entirely a different matter. There is opposition and an amendment has been asked to be carried out. If that becomes the expression of the view of the House because that amendment is opposed to the Resolution as originally drafted, it was supposed to give full powers to that Committee to consider the matter Now an Hon'ble Member from Assam brought in the Advisory Committee into the picture. The Advisory Committee obviously and patently has to report to the Constituent Assembly. There is no doubt about it. I do not think anybody else will have any doubt about it and I take it that all Committees of this House should report to this House. Therefore I wish only to suggest to this Hon'ble House that this is hardly a suitable time at this stage for us to consider the whole scope of this matter when the House is agreed on the main issue. I would therefore suggest that the mover of this resolution, Acharya Kripalani, do accept the amendment that has been put forward.

Acharya J. B. Kripalani: I accept the amendment.

Shri R. V. Dhulekar (United Provinces: General): *[Mr. Chairman, I desire to the amendment that the intended Procedure Committee.....]*

The Chairman (Dr. Sachchidananda Sinha): *[May I respectfully ask whether the Hon'ble Member does not know English.]*

Shri R. V. Dhulekar: *[I know English, but I want to speak in Hindustani.]*

The Chairman (Dr. Sachchidananda Sinha): *[Many of the members such as Mr. Rajagopalachari do not know Hindustani.]*

Shri R. V. Dhulekar: *[People who do not know Hindustani have no right to stay in India. People who are present in this House to fashion out a constitution for India and do not know Hindustani, are not worthy to be members of this Assembly. They had better leave.]*

The Chairman (Dr. Sachchidananda Sinha): *[Please say what you wish to say.]*

Shri R. V. Dhulekar: *[I desire to move that the Procedure Committee should frame all rules in Hindustani which may be translated into English.]*

The Chairman (Dr. Sachchidananda Sinha): *[Order, order! you are not permitted by me to address the House on the question of bi-lingualism, and printing of papers in two or more languages. You are completely out of order. You came to speak on the amendment to Acharya Kripalani's resolution.]*

Shri R. V. Dhulekar: *[My amendment is that the Procedure Committee should frame rules in Hindustani. They may then be translated into English. When a member discusses a rule he will read its Hindustani version and demand a decision on the basis of that version and not English. I am sorry . . . . . .]*

The Chairman (Dr. Sachchidananda Sinha): Order, order!

Shri R. V. Dhulekar: *[I am moving an amendment to Acharya Kripalani's resolution. As a member of the House I have a right to do so. I move that the Procedure Committee should frame rules in Hindustani and not in English. As an Indian I appeal that we, who are out to win freedom for our country and are fighting for it should think and speak in our own language. We have all along been talking of America, Japan, Germany, Switzerland and House of Commons. It has given me a headache. I wonder why Indians do not speak in their own language. As an Indian I feel that the proceedings of the House should be conducted in Hindustani. We are not concerned with the history of the world. We have the history of our own country of millions of past years.]*

[ ] English translation of Hindustani speech.

The Chairman (Dr. Sachchidananda Sinha): Order, order!

Shri R. V. Dhulekar: *[I request you to allow me to move my amendment.]*

The Chairman (Dr. Sachchidananda Sinha): Order, order! *[I do not permit you to proceed further. The House is with me that you are out of order.]*

Acharya J. B. Kripalani: I submit that if it will help the House to cut short the discussion, I would accept what has been suggested.

The Right Hon'ble Dr. M. R. Jayakar (Bombay: General): I want to say a few words on this Resolution. I am not sure whether the views I am now putting before this Assembly will not be regarded as too cautious, but I am bound to point out a few considerations which I want the House to note carefully. These considerations are against the express mention of the words "Sections and Committees". My view is no doubt actuated by a feeling of caution, which I think is desirable at the present stage. Remember the word "Sections". You are asked by express terms to legislate for them in advance of their future formation. Remember "Sections" include 'B' and 'C' Sections. Remember further that in 'B' and 'C' Sections there is likely to be—almost certainly to be—a preponderance of a certain group of men who are not present here today and who may be present at the date when these Sections begin to function. That group of men are not present here today under a feeling of suspicion, if not hostility. Would you like to legislate for them in advance at this stage, or would you not let the matter remain where it is, namely, that as the word 'Assembly' *prima facie* would include 'Sections' no rules can be framed by Sections 'A', 'B' and 'C' which are in conflict with the rules of the Assembly? This would be the usual constitutional rule. Would you not rather let matters rest at this, or would you go further and rub the point in by making an express mention of Sections implying thereby that we here today, in the absence of that group, make it obligatory by express words that the rules framed by the Assembly shall apply to the Sections. Such rubbing in is absolutely unnecessary, because the rules of the Assembly would *prima facie* include rules of the Sections. Remember that this group of men is not present here today and is, besides, watching these proceedings with jealousy and suspicion to discover whether you are taking anything out of their hands and deciding it finally in advance of their arrival? If you do so may it not interfere with their future arrival here in a friendly and trustful atmosphere? I therefore suggest that the words as they stand in the original Resolution of Acharya Kripalani may be accepted instead of going further to make an express mention of Sections and Committees.

Mr. Debi Prosad Khaitan (Bengal: General): Mr. President, Sir, I had no desire to speak on this motion, but in view of one word used by Mr. Munshi, in the course of the amendment, namely, to add the word "its" and the subsequent speech delivered by my estimable friend, Dr. Jayakar, I felt inclined to speak a few words. I shall first deal with the suggestion made by Mr. Munshi, namely, the inclusion of the word "its". I hope that the Hon'ble Mover of the amendment, Dr. Syama Prasad Mookherjee, will not accept that suggestion. The use of the word "its" in the course of this Resolution might put upon it an interpretation which is not intended either by Dr. Mookherjee or Acharya Kripalani. It might be interpreted to mean that the word "its" limits the scope to Committees appointed by the Assembly and not appointed by the Sections. Therefore, I suggest, Sir, that the amendment as moved by Dr. Syama Prasad Mookherjee, namely, "Assembly including Sections and Committees" be accepted by this House.

As regards the fear expressed by Dr. Jayakar, I would only suggest, as explained by Pandit Jawahar Lal Nehru and Acharya Kripalani, that this Assembly

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[ ] English translation of Hindustani speech.

is one entitled to make rules governing the procedure not only of the Union Constituent Assembly as such but also governing the procedure of all Sections and Committees that may be brought into operation by it. I have not the slightest doubt that, whether any group of members be present in this House or not, this Assembly has got to proceed with its work in its entirety. Irrespective of the question whether that group decides to join or not to join, we have got to carry on our work, and I do hope that as time passes that group of men will see fit to serve the interests of the country as a whole by joining it and advising us how to shape the destiny of the country. But, so long as they are not here, I repeat my submission that we should go on with our work, with our heart in it and looking to the interests of the country as a whole. I therefore hope that no fears will be felt or expressed. Let us include in this Resolution the words "Sections and Committees" to avoid future complications. I hope the House as a whole will accept that amendment.

Mr. S. H. Prater (Madras: General): Mr. Chairman, I would like completely to support what was being said by Dr. M. R. Jayakar. I feel that while this House might frame general Rules of Procedure it ought not at this stage to interfere with or frame rules for Sections. Dr. Jayakar has pointed out the implications of that, and it would be good politics to follow what Dr. Jayakar has said. We all want to do these things, but not at this stage. There is time for it. Therefore I whole-heartedly support that the Resolution as originally moved by Acharya Kripalani do stand.

Mr. Sarat Chandra Bose (Bengal: General): Mr. Chairman, I think it would conduce to clarity if the words suggested by my friend Dr. Suresh Chandra Banerjee, and which suggestion was supported by my friend Dr. Syama Prasad Mookherjee, were introduced into this Resolution and accepted by the House.

An Hon'ble Member: The words "including its Sections and Committees".

Another Hon'ble Member: Not "its".

Mr. Sarat Chandra Bose: The word "its" does not improve the position, and I am quite satisfied if the words "including Sections and Committees" are introduced into the Resolution. Acharya Kripalani in moving the Resolution said that it was his intention that the Rules of Procedure of the Assembly should govern the Sections and Committees as well. But as the point has been raised from different sides of the House, whether it should be done or not done, I think it will settle all future disputes if we accept the addition of these words. I would desire to refer in this connection to what Dr. Jayakar said. I do not think it would introduce any conflict at all in future if this Assembly were to lay down Rules of Procedure which would govern not only the main Assembly but its Sections and Committees as well. On the contrary, I feel that it would resolve many a conflict in advance. I do not desire to say more than this that if we are thinking that any conflicts would arise between the main Assembly and the Sections, we had better resolve the conflict here and now by introducing the words "including Sections and Committees".

The Chairman (Dr. Sachchidananda Sinha): I think we have discussed this long enough.

The Hon'ble **Mr. B. G. Kher** (Bombay: General): I have a suggestion to make . . . . . .

The Chairman (Dr. Sachchidananda Sinha): I hope the Hon'ble Member's suggestion will not be accompanied by a long speech.

The Hon'ble Mr. B. G. Kher: I am not very anxious to make a speech at all. We ought not to leave any doubt in the minds of this Assembly or the world outside that this Assembly is supreme in so far as its Sections and its procedure

are concerned. After the debate and the various fears that have been now expressed, I think it would be impolitic to refuse to accept the words "Sections" as also "Committees". We are not at all certain to-day whether the Sections are coming in or whether the Sections are going to sit. A good way out of it would be to add the words "with power to co-opt", so that when other people do come, if these rules are not acceptable or if these rules are required to be amended, or if any suggestions are made, it would be possible to amend them. I suggest, therefore, that it would be best to give the Committee which we are now going to appoint power to co-opt so that they may from time to time be able to suggest amendments and alterations which could be afterwards confirmed, ratified or rejected by the House. So that I think we should at present accept the amendment of Dr. Syama Prasad Mookherjee with this further addition "with power to co-opt". If that is done, I feel that we shall meet the needs of the situation much better.

Mr. Jairamdas Daulatram (Sind: General): I do not wish to take much time of the House at this late stage of the debate. I will say very briefly whatever I have to say. I think everybody should take the stand that this Constituent Assembly is the supreme body. It must have the right to frame rules for its Sections and Committees. I do not think that it is wise to keep simply the word "Assembly" and then leave it to be interpreted that we intended the word to include Sections and Committees. "Intentions" and their "interpretations", as experience has shown us, are a dangerous thing. We ought to make everything as clear as possible. At the same time we have got to deal with the possibility of those friends who are absent to-day joining us at a later stage. If that development does take place we may provide for it. Therefore, I support what my friend, Mr. Kher has said. At the same time, the word "including" is, in my opinion, inappropriate. If the original form is retained, then the little rubbing in which the word "including" involves would also be removed. Again we need not frame all the rules at once. It may be that with regard to the Sections, rules may have to be framed later, or we frame rules now with this understanding that if any changes or amendments become necessary, they will be made by the Procedure Committee, and if it has got the power to co-opt additional members, all the difficulties and possible developments will have been met.

Acharya J. B. Kripalani: There seems to be some misapprehension about the scope of the work of this Committee and also the time for which this Committee will be in existence. As I pointed out, while submitting this resolution before you, the rules that are required to be made are for the conduct of business now and here. We have absolutely no rules, we are writing on a clean slate. I also said that the rules would be more or less such as guide the proceedings of all Assemblies, and these would be of a general nature. There is no doubt in my mind that more rules will have to be framed by Committees themselves and by Sections. They may be called by-rules or by any other name. This Committee will not frame exhaustive rules. As for the question of co-option, it need not arise at this stage. This Committee is not going to be permanent. When any section of the House that is absent today decides to come in, then, if they have any objection to the rules that have been framed, this House can always order that they be revised. Therefore this question of co-option also does not arise. I think it is a bad method to appoint a Committee and to give it powers of co-option when that Committee has been formed by the method of the single transferable vote. I do not know, Sir, whether you have admitted an amendment that ten people be selected by single transferable vote and five be co-opted from minorities. We have already made provision that the members of this Committee be selected by the method of the single transferable vote. That should bring in all minorities. It is not good that minorities should be appointed by a body of ten people. Therefore, I oppose that amendment if you, Sir, have allowed it.

As for including the words 'including Sections and Committees', as there is a large body of opinion in favour of it, I accept it. (*Cheers*).

The Chairman (Dr. Sachchidananda Sinha): A resolution was moved by Acharya Kripalani. Dr. Suresh Banerjee has moved an amendment to it. There has been prolonged discussion over these and all aspects of the question have been fully thrashed out. Acharya Kripalani has now declared in his final reply that he accepts the amendment proposed by Dr. Suresh Chandra Banerjee. I will now put the proposition to the vote of the House.

Sardar Ujjal Singh (Punjab: Sikh): What about the amendment about nomination by the President or co-option by members?

The Chairman (Dr. Sachchidananda Sinha): That has not been moved. I do not think I can permit at this stage any amendment the text of which is not before me.

The amendment before the House now is this: In clause (a), after the word 'Assembly', insert the words 'including Sections and Committees'.

The amendment was adopted.

Sardar Ujjal Singh: Sir, I move:

"That in line 2, after the words '15 other members', the words 'with power to co-opt' be added."

In moving this amendment my object is this: Under the method of proportional representation, certain important minorities may not be represented. Acharya Kripalani was pleased to say that that method had been provided to give representation to all minorities. Perhaps he has overlooked the fact that out of a House consisting of 212 members, you have to elect 15 and that if a group consists of only four or five members, it may not get representation at all. A member of that group may not get the necessary quota and it will not be possible for that group to find a seat on the Committee. The only means of giving representation to that small minority will be either nomination by the President or co-option. With that end in view, I propose this amendment. I thought it would be quite suitable if this question of addition of members of certain groups that are unrepresented is left to the Chairman. That would be enhancing the power of the Chairman. But if that is not possible or acceptable to the House, I would suggest that this power be given to the Committee itself. A similar procedure exists in various bodies wherein it is not possible to give representation to the various interests to be represented. With these few words I move my amendment.

The Chairman (Dr. Sachchidananda Sinha): The amendment proposed by the Mover is to the effect that, after the word 'Members' in line 2, the words 'with powers to co-opt.' be added.

Sardar Harnam Singh (Punjab: Sikh): I suggest, Sir, that we add, if necessary, 'not more than five'.

Sardar Ujjal Singh: I accept the amendment to my amendment.

Mr. S. H. Prater: I second the amendment.

The Chairman (Dr. Sachchidananda Sinha): **Mr. Mohanlal Saksena, who has** given notice of an amendment, will kindly move it briefly.

Shri Mohan Lal Saksena (United Provinces: General): *[I move the amendment that in para. 4 of the Schedule . . . . .]*

The Chairman (Dr. Sachchidananda Sinha): *[Which para. does the Hon'ble Member mean?]*

Shri Mohan Lal Saksena: *[I move that in para. 4 after the word "Chairman" the following may be added:]*

"To the members.....".

[ ] English translation of Hindustani speech.

[The present proposal is that if the number of nominated members is less than those of the elected members, a fresh nomination shall be allowed and the process shall continue until such time as the number of nominated member fills up or exceeds the vacancies. The usual method in such cases is that if the number of nominated members falls short, members who are already nominated are taken as elected and for nominated seats, fresh proceedings are undertaken. This is the object of my amendment. I hope the House will accept it. Acharya Kripalani has agreed to it.]

The Chairman (Dr. Sachchidananda Sinha): The amendment proposed by Mr. Mohan Lal Saksena is that in paragraph 4 of the Schedule after the word "Chairman" the following words be added: "shall declare the persons so nominated as duly elected and for the remaining vacancies".

Is any one seconding it?

An Hon'ble Member: I second this amendment, Sir. It is important and necessary.

Mr. F. R. Anthony (Bengal: General): I did not hear the last part, Sir.

The Chairman (Dr. Sachchidananda Sinha): You could not hear the last part. Sir B. N. Rau will kindly read it out.

Sir B. N. Rau (Constitutional Adviser): After the word 'Chairman' in paragraph 4 of the Schedule, the following words be added: "shall declare the persons so nominated as duly elected and for the remaining vacancies". If you like me to read the amended paragraph, I would be glad to do so.

The Chairman (Dr. Sachchidananda Sinha): Yes, Sir Narsing.

Sir B. N. Rau: The paragraph as amended reads: "If the number of candidates so nominated is less than the number of vacancies to be filled, the Chairman shall declare the persons so nominated as duly elected and for the remaining vacancies will appoint a further period within which the notice aforesaid may be given and may thereafter appoint additional further periods until the number of candidates is not less than the number of vacancies to be filled".

Mr. F. R. Anthony: On a point of information, Sir. I do not know exactly what happened to the amendment proposed by one of my Sikh colleagues.

The Chairman (Dr. Sachchidananda Sinha): That was carried.

An Hon'ble Member: "With power to co-opt not more than five" was carried.

Acharya J. B. Kripalani: Sir, I was never consulted in the matter, whether I accept that or not.

The Chairman (Dr. Sachchidananda Sinha): You were never consulted on the amendment to your resolution?

Acharya J. B. Kripalani: I did not know that the amendment had come before the House. It was only proposed and seconded but that has not been carried by the House.

The Chairman (Dr. Sachchidananda Sinha): Carried by the good sense of the House.

Acharya J. B. Kripalani: Even that was not allowed. (Interruptions) . . . .

The Chairman (Dr. Sachchidananda Sinha): Order, order. The amendment was adopted.

[ ] English translation of Hindustani speech.

As for including the words 'including Sections and Committees', as there is a large body of opinion in favour of it, I accept it. (*Cheers*).

The Chairman (Dr. Sachchidananda Sinha): A resolution was moved by Acharya Kripalani. Dr. Suresh Banerjee has moved an amendment to it. There has been prolonged discussion over these and all aspects of the question have been fully thrashed out. Acharya Kripalani has now declared in his final reply that he accepts the amendment proposed by Dr. Suresh Chandra Banerjee. I will now put the proposition to the vote of the House.

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An Hon'ble Member: I second this amendment, Sir. It is important and necessary.

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The Chairman (Dr. Sachchidananda Sinha): You were never consulted on the amendment to your resolution?

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The Chairman (Dr. Sachchidananda Sinha): Carried by the good sense of the House.

Acharya J. B. Kripalani: Even that was not allowed. (Interruptions) . . . .

The Chairman (Dr. Sachchidananda Sinha): Order, order. The amendment was adopted.

[ ] English translation of Hindustani speech.

Dr. P. C. Ghosh (Bengal: General): That was not put before the House for voting at all. You simply stated from your Chair that it was carried.

The Chairman (Dr. Sachchidananda Sinha): The work of the House must necessarily be carried on with a certain amount of speed, and if the Hon'ble Member is not sufficiently vigilant, he will have to thank himself.

I am reading out the amendment of Mr. Mohan Lal Saksena. I hope I will not be charged with rushing the business of the House through again, as has been done this time. I read it out once, and it was read out again by Sir B. N. Rau. If the House desires, I shall read it out again. In paragraph 4 of the Schedule after the word "Chairman" the following words be added: (Interruption) . . . . . .

When I am in the midst of addressing the House, I do not like to be interrupted. The amendment is: "the Chairman shall declare the persons so nominated as duly elected and for the remaining". Whatever it may mean, that is the amendment. Those who are in favour of it will kindly raise their hands to express their assent to the proposition. Will you kindly count, Mr. Iengar?

The Hon'ble Pandit Jawahar Lal Nehru: It is not necessary unless anyone is opposed to it, Sir.

Mr. H. V. R. Iengar (Secretary of the Constituent Assembly): 50 for.

The Chairman (Dr. Sachchidananda Sinha): How many against it?

Mr. H. V. R. Iengar (Secretary of the Constituent Assembly): One.

The Chairman (Dr. Sachchidananda Sinha): It is carried by 50 against 1.

The amendment was adopted.

Mr. H. V. Kamath: I have submitted a verbal amendment. May I come along?

The Chairman (Dr. Sachchidananda Sinha): Your verbal amendments are more dangerous than other people's formal amendments. You desire that in clause 1 (c) after the word "appointment" add the word "functions". The clause will read as follows:

"(c) Organisation of the work of the Assembly, including the appointment, functions and powers of Office-bearers other than the Chairman."

Also that in Clause (d) after the word "filling" add the word "in". You will kindly come along. You generally succeed in carrying your point by making very short speeches.

Mr. H. V. Kamath: Sir, in clause (c) I desire that after the word "appointment" the word "functions" may also be inserted so that the clause will now read thus: "including the appointment, functions and powers of Office-bearers other than the Chairman".

The next amendment that I wish to make is in clause (d). With due deference to the framer of this Resolution, I submit, Sir, that the more correct phrase is "filling in" and therefore move that the clause should read—

"procedure for the declaration and filling *in* of vacancies in the Assembly."

and in the Schedule accordingly some corrections might have to be made wherever "fill", "filled" or "filling" occurs. I submit with due deference again, Sir, to the framer of the Resolution that the correct phrase is "filling in".

An Hon'ble Member: Why not "filling up"?

Another Hon'ble Member: I would like to make one amendment.

The Chairman (Dr. Sachchidananda Sinha): Mr. Kamath's amendment, which I read out, and which he has again read out, has been duly seconded. Is there any serious opposition to it?

Mr. K. M. Munshi: We have not heard it.

The Chairman (Dr. Sachchidananda Sinha): I am a fairly loud speaker. If you did not hear me, I will again read it out once more.

Diwan Chaman Lall (Punjab: General): I am opposed to the use of the phrase "filling in" of vacancies. It is neither correct, nor is it found in the Rules of Procedure adopted by other Assemblies. The expression "filling of vacancies" is perfectly correct. Again, in regard to the amendment of my hon'ble friend that after the word "appointment" the word "functions" should be included, there can be no difficulty about that although it is obvious that the powers of Office-bearers will also include the functions of the Office-bearers. If it is sought to be made more clear, there can be no objection to it. The objection to the "filling of vacancies" cannot be accepted as I do not think we can start off with ungrammatical or unidiomatic expressions.

The Chairman (Dr. Sachchidananda Sinha): Mr. Munshi, I think, would like to have the proposition read out again.

In clause (c) of rule 1 after the word 'appointment' add 'functions' so that the clause will read 'the appointment, functions and powers of Office-bearers other than the Chairman.' The addition is proposed for the word 'functions' which means between the words 'appointment' and 'powers.' The House, if I am not wrong in interpreting its mood, is not unwilling to accept this amendment . . . . . I declare it carried.

There is a second amendment of Mr. Kamath in Clause (d). After the word 'filling' add the word 'in' so that it may read 'filling in of vacancies'. It is a question of filling in.

Many Hon'ble Members: No, no.

The Chairman (Dr. Sachchidananda Sinha): The sense of the House is against it. It is not accepted. Any other amendments?

Mr. H. J. Khandekar (C. P. and Berar: General): In Clause 7 after the word 'he', there should be 'or she' because there are lady members in the House and nothing is mentioned about them. The meaning of 'Member' conveys the impression that there are no lady members and therefore after the word 'he' there should be 'or she' and after the word 'his' should be 'or her'.

The Chairman (Dr. Sachchidananda Sinha): The amendment sought to be proposed is that we should make out position clear as regards the lady members of this House by using the specific word 'she'. My ruling is that 'he' includes 'she'.

The Hon'ble Pandit Jawahar Lal Nehru: Sir, the Resolution as a whole has not been put to the vote.

The Chairman (Dr. Sachchidananda Sinha): That is what I was saying. The amendments having now been disposed of, I am putting to the vote, but not reading it for a second time the long Resolution. If he so desires, Acharya Kripalani may read it out again. We have discussed these fully, and I declare it carried with all the amendments made.

ANNOUNCEMENT REGARDING NOMINATIONS FOR CHAIRMAN AND COMMITTEE

The Chairman (Dr. Sachchidananda Sinha): I have two announcements to make today. Firstly, the nominations for this Committee will be by 12 noon on the 11th of December in the Secretary's room (Mr. Iengar's). All nominations should be filed by 12 o'clock tomorrow at the latest, and the date and time for the election shall be 4 P.M. tomorrow in the Under Secretary's room. I do not know the reason why the Secretary's room is intended for one purpose, and the Under Secretary's for another. Perhaps the Secretary's room is larger, I do not know. The ballot boxes are there, and I shall be absent at the time. Mr. Anthony will kindly be present on my behalf.



The only other announcement I have got to make is about the nominations for the permanent Chairman. The nominations for that purpose, namely, for the election of the permanent Chairman, is fixed today at 2-30 P.M. in the Secretary's room, and if the election would be necessary, arrangements will be made for that. That finishes our work today. There is no work in the afternoon.

Mr. Sarat Chandra Bose (Bengal: General): As regards the nomination of a permanent Chairman, the Resolution says that the nomination paper has to be delivered to you or to a person appointed by you.

The Chairman (Dr. Sachchidananda Sinha): I have appointed the Secretary, Mr. Iengar, to receive the nomination papers.

Bakhshi Sir Tek Chand: Up to 2-30 today or tomorrow?

The Chairman (Dr. Sachchidananda Sinha): Today. It is now just 1 o'clock, and one and half hours remain for the purposes of nomination. The time for withdrawals shall be 2 P.M. today. Tomorrow the House will meet as it suits you at eleven or half past eleven.

Many Hon'ble Members: 11 o'clock.

The Chairman (Dr. Sachchidananda Sinha): The House is adjourned till Eleven of the Clock, on Wednesday, the 11th December 1946.

The Assembly then adjourned till Wednesday, the 11th December 1946, at 11 a.m.

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Volume I
No. 3



Wednesday
11th December
1946

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Wednesday, the 11th December, 1946

The Constituent Assembly of India met in Constitution Hall, New Delhi, at Eleven of the Clock, the temporary Chairman (Dr. Sachchidananda Sinha), in the Chair.

The Chairman: If any Hon'ble Member has not yet presented his credentials nor signed the Register, he may do so now.

(None)

REPLY TO MESSAGES OF GREETINGS TO THE CONSTITUENT ASSEMBLY

The Chairman: Though it is not in the agenda, I thought it best, on my own responsibility, to bring before the House the reply which I propose to send to the Governments of the United States of America, the Republic of China, and the Australian Government, in reply to the messages received from them, through their representatives in Delhi, which messages I read out to you on the opening day of the session. My draft is subject to your approval, of course.

> "On behalf of myself, and of the Constituent Assembly of India, I desire to thank you most warmly for your exceedingly kind message of goodwill and good wishes which has been highly appreciated by the Constituent Assembly, and the country. It is a source of great encouragement to us to feel that the Government and the people of the United States, China and Australia (as the case may be) are watching our deliberations with keen and sympathetic interest; and we feel sure that their sympathy will stand us in good stead in evolving a democratic constitution for India."

Subject to your approval, Hon'ble Members. (*Applause*).

ELECTION OF THE PERMANENT CHAIRMAN

The Chairman: The next item of today's agenda is the election of the permanent Chairman.

I have received the following nomination papers:—

"I propose the name of Dr. Rajendra Prasad, Member, Constituent Assembly, for the Chairmanship of the Constituent Assembly. I have secured the consent of the nominee.

Proposer.—J. B. Kripalani.

Seconder.—Vallabhbhai Patel.

I agree to the nomination. Rajendra Prasad."

This nomination paper is valid, and is in order. There is another nomination paper.

"I propose Dr. Rajendra Prasad as Chairman of the Assembly and I have ascertained that he is willing to serve if elected.

Proposer.—The Hon'ble Sri Harekrushna Mahtab.

I second the above. Nand Kishore Das."

This nomination also is in order.

The other two proposals received are invalid. One of them sent by the Hon'ble Mr. Prakasam was sent in beyond time, and I do not see the name of any seconder.

Similarly, I have got before me another proposal by Sir S. Radhakrishnan. That also, I fear, is not in order, because it has got no seconder; and neither of these two documents (the one sent by the Hon'ble Mr. Prakasam

and the other sent in by Sir S. Radhakrishnan) has got any endorsement from Dr. Rajendra Prasad that he is willing to serve. However, as the other two proposals are perfectly valid and in order, and there is no other nomination paper before me, I hereby declare the Hon'ble Dr. Rajendra Prasad, as the duly elected permanent Chairman. (*Cheers*).

My next duty as temporary Chairman is to request that Acharya Kripalani and Maulana Abul Kalam Azad Sahib will kindly approach, on behalf of the Constituent Assembly, the duly elected President of this House now, and bring him up to the platform to sit on the chair by my side. (*Cheers*).

(The Hon'ble Doctor Rajendra Prasad was conducted to the chair by Acharya Kripalani and Maulana Abul Kalam Azad Sahib.)

The Chairman: Hip hip hurrah, hip hip hurrah.

Hon'ble Members: *Inquilab Zindabad, Inquilab Zindabad. Jai Hind, Jai Hind.*

The Chairman: Now that the permanent elected Chairman of the House has taken his seat, it is open to Hon'ble Members to offer to him their congratulations. I call upon Sir S. Radhakrishnan to be the first speaker.

CONGRATULATIONS TO THE PERMANENT CHAIRMAN

Sir S. Radhakrishnan (United Provinces: General): Mr. President, Sir, I consider it a great honour to be called upon to be the first speaker after the election of the permanent Chairman of the Constituent Assembly. I offer to him, on behalf of this House, our most respectful congratulations on the unique honour that has been conferred on him.

This Constituent Assembly has met here to frame the constitution, to effect the withdrawal of British control, political, economic and military and to establish a free independent India. If successful, this transfer of authority will be the biggest and the least bloody of all transfers in human history (*Cheers*).

The first Britisher to arrive in this country was a Jesuit Missionary in 1579. He was followed by merchants who came to trade but stayed to rule. In 1765 the authority was transferred to the East India Company. Later it was gradually subordinated to and replaced by the authority of Parliament and it has been continuing till now on the famous principle enunciated by Cecil Rhodes—the principle fundamental to imperialism, philanthropy *plus* 5 per cent. On that principle it has worked. Right through however there were protests against the British rule. All these protests became canalized when the Indian National Congress was established in 1885. It adopted mild methods till the advent of Mahatma Gandhi when it became aggressive and dynamic. In 1930 the Resolution for the Independence of India was passed at Lahore and we are now here to give effect to that resolution. The British are empirics from beginning to end. It was Lord Palmerston who said 'we British have no eternal principles, we have only eternal interests'. When they adopt any particular line of action you may take it that it is not a willing surrender of power or authority but it is a response to the historic necessities of the case. When the discontent grew up they gave us the Morley-Minto Reforms and they introduced the principle of communal electorates and these communal electorates were intended to keep the people apart. The higher mind of Britain advised the local officials that they would betray the trust placed upon them if they foisted communal electorates. They would inject a poison into the very body politic which could be removed, if at all, at the cost of a civil war. We know how those anticipations are getting realized to day. We had after that the Montford Reforms and then the 1935 Act, the Cripps' proposals and now the Cabinet Plan. The latest Statement of His Majesty's Government on this question indicates how it is not in human nature to surrender

power easily. (*Hear, hear*). Playing off one section against another is unworthy of a great people. It is much too clever to be permanent and would embitter the relations of this country and Great Britain. (*Hear, hear*). It is essential for the British to understand that if an act is done it must be done with the utmost grace. All the same we are here assembled to draw up a constitution for future India. A constitution is the fundamental law of the nation. It should embody and express the dreams and passions, the ideals and aspirations of the people It must be based on the consent of all, and respect the rights of all people who belong to this great land.

We have been kept apart. It is our duty now to find each other. We all deplore—speakers yesterday and day before yesterday deplored—the abstention of the representatives of the Muslim League from this Constituent Assembly. We take it that it will only be temporary, for their co-operation is absolutely essential for the success of any constitution which we may lay down. But in approaching these matters our attitude should be one of realism. Take the problems from which we suffer: our hunger, our poverty, our disease, our malnutrition—these are common to all. Take the psychological evils from which we suffer—the loss of human dignity, the slavery of the mind, the stunting of sensibility and the shame of subjection,—these are common to all: Hindus or Muslims, Princes or peasants. The chains may be made of gold but they are still chains that fetter us. Even the Princes will have to realise that they are slaves in this country. (*Hear, hear*). If they have a sufficient sense of self-respect and exercise a little self-analysis, they will find how much their freedom is fettered.

Again, the people—whether they are Hindus or Muslims, Princes or peasants,—belong to this one country. Earth and Heaven have combined to make them belong to one another. If they try to disown it, their gait, their cast of countenance, their modes of thought, their ways of behaviour, they will all betray them. (*Hear, hear*). It is not possible for us to think that we belong to different nationalities. Our whole ancestry is there.

It is essential for any constitution which is drawn up to make all the citizens realise that their basic privileges—education, social and economic—are afforded to them; that there will be cultural autonomy; that nobody will be suppressed; that it will be a constitution which will be democratic in the true sense of the term, where, from political freedom we will march on to economic freedom and equity. Every individual should feel that he is proud to belong to this great land.

Apart from all these, a nation does not depend on identity of race, or sentiment, or on ancestral memories, but it depends on a persistent and continuous way of life that has come down to us. Such a way of life belongs to the very soil of this land. It is there indigenous to this country as much as the waters of the Ganges or the snows of the Himalayas. From the very roots of our civilisation down in the Indus Valley to the present day, the same great culture is represented among Hindus and Muslims, we have stood for the ideal of comprehension and charity all these centuries.

I remember how Anatole France went up to the Musse Guimet on the first of May 1890 in Paris and there in the silence and simplicity of the gods of Asia reflected on the aim of existence, on the meaning of life, on the values which peoples and Governments are in search of. Then his eyes fell on the statue of the Buddha. France felt like kneeling down and praying to him as to a God, the Buddha, eternally young, clad in ascetic robes, seated on the lotus of purity with his two fingers upraised admonishing all humanity to develop comprehension, and charity, wisdom and love, *prana* and *karuna*. If you have understanding, if you have compassion, you will be able to overcome the problems of this world. Asoka, his great disciple, when he found his

Empire inhabited by men of all races and religions said—

"*Samavaya eva sadhuh*".

"Concord alone is the supreme good".

India is a symphony where there are, as in an orchestra, different instruments, each with its particular sonority, each with its special sound, all combining to interpret one particular score. It is this kind of combination that this country has stood for. It never adopted inquisitorial methods. It never asked the Parsis or the Jews or the Christians or the Muslims who came and took shelter there to change their creeds or become absorbed in what might be called a uniform Hindu humanity. It never did this. "Live and let live"—that has been the spirit of this country. If we are true to that spirit, if that ideal which has dominated our cultural landscape for five or six thousand years and is still operating, I have no doubt that the crisis by which we are faced today will be overcome as many other crises in our previous history have been overcome. Suicide is the greatest sin. To murder yourself, to betray yourself, to barter away your spiritual wealth for a mess of pottage, to try to preserve your body at the expense of your spirit—that is the greatest sin. If we therefore stand out for the great ideal for which this country has stood, the ideal which has survived the assaults of invaders, the ideals to which the unheeding world today is turning its attention, if we are able to do it, the flame which has sustained us in overcoming foreign rule, will fire our efforts to build a united and free India.

It is not an accident that our temporary Chairman, Dr. Sachchidananda Sinha and our permanent Chairman, Dr. Rajendra Prasad, both come from Bihar. They are both impregnated with the spirit of the *vihara*—the invincibility of gentleness, the gospel of India. The Mahabharata says:

Mrduna darunam hanti, mrduna hanti adarunam nasadhyam mrduna kinchit tasmat tiksnataram hi mrduth.

Gentleness can overcome the hardest things; it can overcome the softest things. There is nothing impossible to be overcome by gentleness, and therefore the sharpest weapon we have is gentleness.

Softness, gentleness,—that is the greatest weapon which will wear out the highest kind of opposition. We have not been true to it. We have betrayed and done wrong to millions of our own fellow beings. It is now time for us to make atonement for all our past guilt. It is not a question of justice or charity, it is atonement—that is how I would put it.

In Dr. Rajendra Prasad we have one who embodies this spirit of gentleness. (*Cheers*). He is the soul of goodness, he has great patience and courage, he has suffered. It is not an accident that this year which marks the sixtieth year of the Indian National Congress, is also the year of the opening of the Constituent Assembly. We have to remember with gratitude all those great souls who worked and suffered for the freedom of this country, for the dawn of this day. Thousands died, more thousands suffered privation, imprisonment, and exile, and it is their suffering that has cemented and built up this great edifice of the Indian National Congress. (*Hear, hear*). We have to remember them all. Rajendra Prasad is the suffering servant of India, of the Congress, who incarnates the spirit for which this country stands. I only hope that this spirit of amity, concord and harmony which has come down to us from the image of Siva in the Indus civilisation down to Mahatma Gandhi and Dr. Rajendra Prasad, will inspire our efforts. (*Applause.*)

Shri Sri Prakasa (United Provinces: General): May I know who is the Chairman?

The Chairman (Dr. Sachchidananda Sinha): I am the Chairman.

The Hon'ble Diwan Bahadur Sir N. Gopalaswami Ayyangar (Madras: General): Mr. Chairman, I desire to add my small tribute to Dr. Rajendra Prasad who has been elected unanimously by this Assembly as the permanent

Chairman. My tribute, I dare say, will sound prosaic after the eloquence of my friend Sir S. Radhakrishnan, one of the foremost Indian orators in the English language.

Dr. Rajendra Prasad's election is a supreme mark of the unstinted confidence that this Assembly and the country as a whole repose in him. It is not so much an honour to him; he is really honouring us by accepting the invitation that we have extended to him. (*Cheers*). We have therefore really to felicitate ourselves on his allowing himself to be persuaded to take the Chair of this Assembly as permanent Chairman.

Dr. Rajendra Prasad is taking over a very onerous responsibility. His life has been a life of dedication,—dedication to the service of the country. It has been consecrated by unique sacrifice. It is unnecessary for me to speak of his great erudition, deep scholarship, wide knowledge of men and affairs,—qualities which fit him eminently for the task in which he will have need for requisitioning all this equipment in the solution of the many baffling and intricate problems that are sure to confront him. I have known him in person and have come into contact with him personally only during the last few days. That has made me regret that I had not known him earlier and more intimately than I do. But I have known about him, I had read about him, and during the few days that I have since seen of him, I have seen enough to realise that, while all his great qualities of brain and his knowledge have commanded and will continue to command the respect and admiration of his countrymen, what really has established and will maintain the unique hold he has on the affections of his countrymen, irrespective of community, class and creed, are his great human qualities. His innate courtesy, for instance, the manner of his approach to problems, which manner almost compellingly disarms in controversy people inclined to develop temper or heat, the soft word that turneth away wrath—these will be inestimable assets in contributing to the success of the task that he has so willingly, perhaps after some reluctance, taken upon himself.

With his election to the Chairmanship, the Constituent Assembly may be said to have really started on its fateful career. Before it accomplishes its full task, it is bound to be confronted by situations and difficulties which will try the capacity even of so uniquely equipped a person as Dr. Rajendra Prasad. He will no doubt, and we have every confidence that he will, conquer them all. He will of course maintain the dignity and prestige of this Assembly and the privileges of its members—that goes without saying. But the most onerous of his tasks will be to defeat all attempts, direct or indirect, at weakening or whittling down the sovereign powers of this Assembly. This is not the occasion for me to develop in any elaboration the proposition that, for the task which this Assembly has taken upon itself, it is sovereign in every sense of the word. That its members have been brought together by a machinery employed by the present Government of India does not detract from that sovereignty. (*Hear, hear*). The task of the Assembly is, in the not very elegant word that the Cabinet Mission has employed in its Statement, the "settling" of the constitution for all India—all India, including not merely the Union but the units and, if this Assembly and its Sections should so decide, the Groups, if any, are to be formed at all.

The Statement of the Cabinet Mission I would describe as the law of the constitution of this Assembly. That constitution derives its authority not from the fact that its authors were three Members of His Majesty's Government but from the fact that the proposals made therein have been accepted by the people of this country. Any limitations on the powers of this Assembly which are indicated in that Statement are thus self-imposed—imposed by ourselves on this Assembly; and the document and its subsequent exposition by its authors have made it clear that this Assembly has got the constituent power of amending this constitution, of varying or adding to what is provided for in that document, not excluding even what are declared to be its fundamentals.

The law of the constitution of this Assembly does not vest in any outside authority, judicial or otherwise, the interpretation of any of its provisions. In one single instance alone does it require that the Chairman should obtain the advice of the Federal Court at the request of the majority of either of the major communities in the Assembly before he takes a decision on the issue. It follows therefore that the decision of all questions of interpretation of the law of the constitution of this Assembly will be in the Chairman's hands, subject to such directions as this Assembly itself may give. Reference to an outside authority for decision or even advice in respect of other matters could be made only on authority given by a decision of this Assembly and no such decision could be binding on this Assembly unless it has agreed to abide by it. The idea, therefore, adumbrated in a recent statement of His Majesty's Government, that 'either side', those are the words used, is free to ask an outside authority to decide matters of interpretation and that the Assembly should accept whatever decision it may give, cannot be implemented except on the authority of a resolution of this Assembly. (*Hear, hear.*) The suggestion made in this statement, if implemented without an affirmative resolution of this Assembly, would detract from its sovereign powers and I have no doubt that Dr. Rajendra Prasad will resist such an attempt to his utmost. (*Applause*).

I would, before closing, refer only to one other aspect of this idea of the sovereignty of this Assembly. The task before the Assembly is not merely one of settling the constitution, it also includes deciding the method of its implementation so far as India and her people are concerned. In other words, we have to take over power from those who are in possession of it: the method of that taking over of power will be one to be decided by this Assembly. The fact that His Majesty's Government claim to decide the mechanics of the transfer of power, to which in substance they are already committed, does not, in my view, detract from the sovereignty of this Assembly so far as its task is concerned. I do not wish to take any more of the time of this Assembly.

Sir, we are proud to have you as the permanent Chairman of this Assembly and we wish all success to you during your term of office in that capacity. (*Loud cheers*).

The Chairman (Dr. Sachchidananda Sinha): Two of the most eminent Members of this House, our greatest philosopher and educationist, Sir Sarvapalli Radhakrishnan, and the highly distinguished administrator, Sir N. Gopalaswami Ayyangar, have addressed the House congratulating Dr. Rajendra Prasad, and they have incidentally expressed their views on certain aspects of the question which Dr. Rajendra Prasad will be concerned with. I will now ask the other speakers who follow to speak briefly mainly about Dr. Rajendra Prasad (*laughter*) and leave the Constitution to take care of itself.

I will now call upon Mr. F. Anthony to address the House.

Mr. F. R. Anthony (Bengal: General): Mr. Temporary Chairman, it was only a few minutes ago that I was asked whether I would join in giving a message of welcome and congratulations to Dr. Rajendra Prasad. I very gladly and cordially accepted that invitation.

Sir, I have not had the privilege of knowing Dr. Rajendra Prasad personally; but I have known of him and it is not necessary for me to comment on his qualifications and his widely-known very able record of work. The Office to which he has been unanimously elected is not only a unique and high office, but I believe it is equally onerous also. It will be his continuing duty and care to hold the scales evenly between the different interests which go to make up this great country. What we require today in our leaders, more than anything else, is tolerance, breadth of vision and liberality of outlook. I believe, from what I have heard of Dr. Rajendra Prasad, that he is one of those leaders who possesses these qualities in a pre-eminent degree. I believe also that it is the natural and fervent impulse of every Indian, irrespective of community,

to strive increasingly for the increasing greatness of our mother country. (*Applause*). I also believe that whatever difference of language, of community or of social life that must inevitably exist in a great country such as ours, leaders possessing the quality of liberality and breadth of vision will succeed ultimately in joining all these different communities into one stream which will carry on its course, surging forward irresistibly, enabling this country to take her place, her rightful place in the vanguard of the great nations of the world. Finally, I believe I am expressing the consensus of opinion in this House when I express the belief that Dr. Rajendra Prasad will fill this high Office to which he has been elected not only with dignity, but with distinction. (*Applause*).

Sardar Ujjal Singh (Punjab: Sikh): Mr. Chairman, Sir, I have very great pleasure in associating myself with the chorus of tributes paid to Dr. Rajendra Prasad on his unanimous election to the Presidentship of this Assembly. In fact, I believe no better choice could have been made for the Presidentship of this unique and historic Assembly. By his unparalleled service and sacrifice, his learning, his ability, his gentleness and, above all, his spotless character, he has become the idol not only of the people of Bihar but of the whole of India. I feel certain that this House will have a sense of satisfaction that with Dr. Rajendra Prasad in the Chair, no limitations on the sovereignty of this Assembly will be allowed to be placed beyond those which we have already accepted. A man of his unimpeachable honesty, character and humility can command and, I feel certain, will command the confidence of one and all in this House. I know there is a party which is not present in this House today, but I can say that even that party whose members may be called Dr. Rajendra Prasad's political opponents, can rely upon his sound and good judgment and his impartiality in conducting the business of this House. Sir, I hope and trust that under his able guidance and inspiration this House will succeed not only in framing a constitution but establishing an independent and sovereign state of Indian Republic. I pray that God may give him strength to carry on his onerous duties and heavy responsibilities as Food Member and as President of this unique and historic Assembly.

The Chairman (Dr. Sachchidananda Sinha): I will now request Lt.-Col. Sir Kameshwara Singh, Maharajadhiraja of Dharbhanga, to speak.

The Hon'ble Maharajadhiraja Sir Kameshwara Singh of Darbhanga (Bihar: General): Mr. Chairman, this is indeed a proud day for all of us. The accredited representatives of our countrymen have chosen Dr. Rajendra Prasad, an illustrious son of India, to be the custodian of the dignity and power of this august Assembly. In doing so, they have paid the highest tribute not only to his own greatness but also to our province whose brightest jewel he happens to be. I rejoice at this recognition. His character, ability, tact, scholarship, culture, services and sacrifices, and above all, his self-effacement in the cause of our motherland can never fail to attract people to him, and he commands as love, respect and admiration of even those who, strictly speaking cannot be described as his political adherents. I salute him as one of those rare saints who are honoured by all even in their own homes. I realise that the task before him is stupendous. From bondage he shall have to lead this country to freedom. He shall have to help us to proceed on the right path and cross the innumerable hurdles that lie on our way. He shall have to protect us whenever there may be any encroachment on our rights and privileges from any quarter, and make everyone feel the force of his justice, impartiality and firmness. Knowing as I do his personal charm, devotion to duty, broad-mindedness, and other great qualities, I have no doubt that he will satisfactorily manage the affairs of the high Office—perhaps one of the highest offices in the gift of the people of this country—in which he has been, by common consent, installed. May God grant him health and long life so that he may

successfully discharge his onerous duties and enjoy the fruit of his labours. Sir, I congratulate him, wish him luck, and hope that he will have the loyal co-operation of everyone of us who have assembled here to work under his guidance for the achievement, by peaceful means, of our cherished goal, Swaraj.

The Chairman (Dr. Sachchidananda Sinha): Dr. Joseph Alban D'Souza.

Dr. J. A. D'Souza (Madras: General): Mr. Chairman, I join with pleasure in the chorus of congratulations to Dr. Rajendra Prasad on his election as the permanent Chairman of this historic Assembly. The temporary Chairman, Dr. Sachchidananda Sinha, with his keen grasp of essentials, his happy diction and above all his entrancing and fascinating humour has finished his work magnificently during the last two days. He has navigated the good ship "Constituent Assembly" through the harbour, with waters none too easy. He has brought the ship on to the high seas of political constitution and handed it over to our permanent Chairman. I have said high seas of political constitution. What these seas are going to mean and what they are going to be, it is difficult for us at this stage to say or to define. There is no doubt that the permanent Chairman has before him a role of a most responsible nature.

I am and probably will always be an ardent believer in the true and good old saying, "every cloud has a silver lining". Clouds, varying in density, have appeared over the constitution of this Assembly. Yet, because of the silver lining I am confident of the future of India, proximate and remote.

Dr. Sachchidananda Sinha has stated that it will not be for those who succeed the first two speakers to refer to anything historical or constitutional. May I crave his permission to make one small reference?

May I submit that this Constituent Assembly and the work it has before it—the framing of a constitution for India, was presaged if not prophesied more than a hundred years ago? I say "presaged" and not "prophesied" because a prophecy connotes something favourable to the prophet as well as to the people but presaging signifies a sort of warning. It was presaged more than a hundred years ago when Burke, referring to the imperial control of England over her Indian Empire, applied to it the doctrine of trusteeship. He declared that as soon as the child India comes of age the trusteeship must end.

The question therefore arises: Has India not come of age? Is India still a minor? When I cast a glance along the first benches of this great Assembly I note that there are great personalities who could play the role of a Churchill or a Roosevelt or a Stalin and not only play the role but even go one better. This is so far as the top ranks of the citizenhood of India is concerned. What about the lowest ranks, the ryot in the villages? If our leaders were to go now to the ryot, who some years ago was steeped in abysmal ignorance in regard to his rights, privileges and needs, and speak to him of independent India, he would turn round and tell them: "if you are unable to achieve this for us, we shall do so on our own". He realises that it is due to him. He knows it is his birth-right.

This Constituent Assembly, to my mind, is a celebration of India's coming of age and as such it ought to be a subject matter over which all India, Hindus, Muslims, Sikhs, Christians, Parsees, Scheduled Classes and all, ought to join hands and work with one sole idea: of achieving independence as early and as soon as it possibly can be obtained.

And in this work I am sure, the permanent Chairman we have selected will lead us and help us. During the short period he has worked in the Interim Government he has already given us an earnest of his capability by his masterly control of the food situation in India. He has given us an earnest of the

zeal and ability with which he will conduct the affairs of the great Assembly. On behalf of you all I wish our permanent Chairman health and energy in order to carry on with the stupendous work he has undertaken in accepting the Chairmanship of this Assembly.

Sri V. I. Munishwami Pillai (Madras: General): Mr. Chairman, I feel it a proud privilege to stand before this august Assembly and convey to you, Sir, the greetings and affectionate congratulations on your unanimous election to the Chairmanship of this sovereign body. I convey to you, Sir, on behalf of the 60 millions of untouchable classes, the tillers of the soil and hewers of wood, who have been in the lowest rungs of the ladder of political and economical status of this country. It was in 1890, when one of our revered leaders of our Province sent an open letter to the Hon'ble Members of the House of Commons showing the helplessness of the untouchable classes but it was given to Mahatma Gandhi, Sir, in the year 1932 to chalk out in what way these communities could be helped. It was on that memorable occasion, Sir, that I came in contact with you and came to know the sympathy you have towards these Scheduled Castes. From that time, Sir, I know, as a matter of fact and all those who represent the Harijans in this august Assembly will bear testimony to the great services you have done to these Harijan communities. On behalf of these people, Sir, I feel that the position to which you have been elected will give equal status in the sovereign body and see that whatever constitution may be framed for this great continent, that the right place for the Harijans is given and I know you will hold this position with great honour and dignity and do justice to these Scheduled Classes, so that they may be equal in all status with other communities. Sir, the 60 millions of untouchables form the backbone of Hinduism and I am sure, that in your deliberations in framing the constitution you will see that all the disabilities of the Harijans are taken note of and remedied in a manner that they may enjoy equal privileges in this great country.

Khan Abdul Ghaffar Khan (N.-W.F.P.: Muslim): *[Mr. Chairman, Brothers and Sisters: I had no intention of taking part in the debates of this Assembly. You all know that I do not like making speeches and praising persons; but some of my brethren have compelled me to say something at this occasion. I congratulate Babu Rajendra Prasad on your behalf and on behalf of North-West Frontier Province for the great honour done to him by this House.

I know Babu Rajendra Prasad well. People who happen to live together in prisons and in other places of pain and sorrow get good opportunity to know each other. I am proud that I have lived a long time in prison with Babu Rajendra Prasad. I know him well. I know his habits and I can say that the greatest quality he possesses, and which every Indian should possess, is that his mind is free from communal bias. Unfortunately, people in India have different prejudices. You all know of Hindu food and Muslim food. Babu Rajendra Prasad is free from all prejudices.

I feel with great sorrow the absence from this House of our Muslim League brethren. I regret to say that my Muslim brethren are displeased with the people of the North-West Frontier Province, especially with me. They say that I am not with them. Many a time while travelling in the train I am told such things. I always tell them that I am always with Muslims, never separating myself for one moment from them. Where, however, they say that I am not with the League, I tell them that the League is a political party and it is not necessary that one should be with it. Every man is free to have his own opinion. No one should be compelled in ways which are employed these days. Everybody has a right to do what he honestly considers good for his country and people. Nobody has got the right to ask me why I am on the side of the Congress. I admit that the people of the North-West Frontier Province are much behind you in literacy and in wealth. Our Province is a

*[English translation of Hindustani speech begins.

small one while yours are larger but I can say that the people of the North-West Frontier Province, if not ahead, are in no way behind you in many things.

When we read the history of India prior to the advent of the British and compare it with the conditions prevalent now, I find the villagers of this once prosperous India steeped in poverty and want. One thing, which causes me great sorrow is that whenever we try to do something for the welfare of our countrymen, impediments are placed in our way. The country and its people are being exploited and ruined. This has caused disappointment to the people of the North-West Frontier Province and they feel utterly helpless. We have been forced to think that we can do nothing for the good of this unfortunate country until we make it free. I desire to tell my Indian brethren why we are with (Mahatma) Gandhi. We believe that the Congress is trying to free this country and that the Congress can remove the poverty of this country. We are with the Congress because we are tired of slavery. It is true that we are behind you in education but in the war of non-violence of 1942, only our Province fought it in non-violent ways. You all know we possess more weapons of violence than any other part of India and yet we adopted non-violent methods. Why? There are many responsible people present here and I see that even the Congress people are being swayed by violent feelings. That is why we walk the way of non-violence. Let us see what violence is and what is non-violence. I tell you that whether we are Hindus or Muslims we can win the people only by being non-violent because violence breeds hate and non-violence creates love. You cannot bring peace to the world by violence. One war will compel us to fight a second war more disastrous than the first. Violence begets hate in the minds of people. I am glad Babu Rajendra Prasad believes in non-violence and I am sure that, if he guides this House to tread the path of non-violence, he will guide it to success. Before I finish I desire to speak briefly to my brethren in the House and to Babu Rajendra Prasad about our Province. I will not go into details. Our Province is the only Muslim Province which desires to end the British rule and drive them out of India. It is not easy to realize what difficulties, what hardships and what affliction will befall us. I, therefore, earnestly appeal to Babu Rajendra Prasad to keep this in mind. We cannot succeed until the road-blocks created by the British are removed from our way. I hope my prison friend, Babu Rajendra Prasad, who has been elected the Chairman of this House and who loves us, will not forget our difficulties and help us to remove them.]*

The Chairman (Dr. Sachchidananda Sinha): I will now ask Mr. Poonacha from Coorg to speak for a few minutes.

Mr. C. M. Poonacha (Coorg): Mr. President, Sir, I deem it a great pleasure and great honour to associate myself with the sentiments expressed by the previous speakers. Coming from Coorg, Sir, I would like to convey to you, Dr. Rajendra Prasad, our respectful felicitations on behalf of the people of Coorg. As President of the Indian National Congress, you have once visited our Province and extended to us good advice which was a great fillip to us in our freedom movement. Sir, I do not intend making a long speech but would like to cut it short and express once again my respectful congratulations to you and trust that under your Chairmanship the efforts of this Assembly will be a complete success. Sir, I have done. (*Cheers*).

The Chairman (Dr. Sachchidananda Sinha): Mr. H. V. Kamath will now kindly address the House.

Mr. H. V. Kamath (C. P. and Berar: General): Mr. Chairman, Sir, will you permit me to join in the chorus of tributes that has flowed from all parts of this august Assembly? This Constituent Assembly is the first Assembly of its kind in India. On this occasion, at once happy and solemn, when we have elected to the high office of permanent Chairman, Deshratna Rajendra Prasad,

* English translation of Hindustani speech ends.

it is well for us to remember that we have come to this stage in our history through the united will and labours of the Indian nation, through the brave struggle and suffering of the Indian National Congress under the leadership of Mahatma Gandhi, as well as by the heroic war waged by the "Azad Hind Fauj" under the leadership of Netaji Subhas Chandra Bose. It is not for me to dilate upon the qualities of head and heart of Deshratna Rajendra Prasad. He embodies in himself the spirit of India, the spirit which has animated our sages and our *rishis* to preach the ancient gospel, the ancient but ever new—(*sanátanó nitya nutarih*) the gospel of universalism: that spirit Deshratna Rajendra Prasad embodies in himself. When I look at him, I am reminded of a poem of Gurudev—Rabindra Nath Tagore, wherein he says—'Give me the strength to make my love fruitful in service. Give me the strength to surrender my strength to thy will with love'. At this moment of our history we welcome Deshratna Rajendra Prasad to this high office. I pray to God Almighty that in His Grace abounding, He may endow Deshratna Rajendra Prasad with strength and health, with energy and fortitude to steer this barque of our Constituent Assembly to the fair haven of peace, freedom and harmony. Friends, I have done. Before I conclude, I only want to say this that it is well for us to take to heart and to bear in mind the ancient message—

Uttisthata jagrata prápya varannibodhata.

"Awake, arise and stop not till the goal is reached." *Jai Hind.*

The Chairman (Dr. Sachchidananda Sinha): Mr. Somnath Lahiri will now address the House.

Mr. Somnath Lahiri (Bengal: General): Let me congratulate Dr. Rajendra Prasad on his election as permanent Chairman of this House and I congratulate him on behalf of the Communist Party which I have the honour to represent.

Well, Dr. Rajendra Prasad, when you happened to be the President of the Indian National Congress we, the Communists, noticed in you your patience, tolerance and your eager desire to know the view-points of the other parties and other points of view. Well, Sir, I hope you will continue to exercise the same qualities as the Chairman of this Assembly and will allow us facilities equal to that of anyone else to express our points of view fully. Sir, one great thing to remember is that British imperialism is still sovereign over us and whatever may be the colour of any member in this Assembly, I am sure that everyone of us burns with the desire to be free, absolutely free, immediately from the clutches of British imperialism which has sucked our blood for the last 200 years and which still retains its grip over us with its army, with its British Viceroy, with its white bureacracy, with its economic and financial strangleholds and with the aid of its allies—the Indian Native Princes. Well, Sir, some would expect you to be non-partisan as the Chairman of the Assembly. I would not in the sense that you are a patriot, one of the tried patriots of this country and in the matter in which we have to assert our sovereignty, sovereignty not against a section of our own people, not by quarrelling over phrases of Sections and Committees but sovereignty against British imperialism, asserting our sovereignty by asking and compelling the British Viceroy to quit, by asking and compelling the British army to quit. I am sure we could declare our sovereignty here and now by calling upon our people to wage a struggle and to begin that struggle by declaration from this august Assembly that we are free, we no longer recognize the authority of the British Government, of the British Viceroy, of the diplomatic words, etc. I wish we could declare from this Assembly that we are not to be led by the illusions created by British imperialism and its Cabinet Mission plan regarding transfer of power. But I know that illusions die hard. I hope we will have your help in dispelling those illusions and making the people of India again wage the most determined and united struggle against a Plan, a diabolical

Plan, which has already reduced us to become a laughing stock of the world. We are already meeting under the dark pall of death and fratricidal warfare which has been the result of this Cabinet Plan.....

The Chairman (Dr. Sachchidananda Sinha): Mr. Lahiri, permit me to interrupt you. You may say something now about Dr. Rajendra Prasad. (*Laughter*).

Mr. Somnath Lahiri: I know that. That is exactly the point for which I have praised Dr. Rajendra Prasad and hope he will extend to us the same consideration for placing our point of view as you would to any others, because it has always been our experience that when it comes to a question of our placing our views we are invariably asked to be brief. As a matter of fact, I have already been asked twice to be brief even before I got up to speak in this Assembly. However, I don't mind that. What I would expect of Dr. Rajendra Prasad as permanent Chairman of this Assembly is to help us in dispelling our countrymen's illusions, to help us to place our point of view in full, to throw away this Cabinet Mission's Plan and all its award and everything else and be united and fight.

The Chairman (Dr. Sachchidananda Sinha): Hon'ble Members will agree that I am not infallible. I shall therefore now call on Mr. Jaipal Singh to address you for a few minutes. He represents the aboriginal tribes of Chhota Nagpur.

Mr. Jaipal Singh (Bihar: General): I thank you, Sir, for giving me an opportunity to speak as representative of the aboriginal tribes of Nagpur. I want to say a few words in congratulating Dr. Rajendra Prasad, especially on behalf of the community I represent. So far as I have been able to count, we are here only five. But we are millions and millions and we are the real owners of India. It has recently become the fashion to talk of "Quit India". I do hope that this is only a stage for the real rehabilitation and resettlement of the original people of India. Let the British quit. Then after that, all the later-comers quit. Then there would be left behind the original people of India. We are indeed very glad that we have Dr. Rajendra Prasad as the permanent Chairman of this Assembly. We feel that, as he belongs to a Province where there is, in the southern portion of it, the most compact aboriginal area in the whole of India perhaps, that we, in presenting our case, will at least get sympathetic hearing from him. I do not wish to say anything about his merits. They are already too well known. Let me therefore end by saying that we hope that the rest of the House will, while Dr. Rajendra Prasad gives us his sympathy, also reciprocate with him. (*Cheers*).

The Chairman (Dr. Sachchidananda Sinha): I shall now request Bulbul-i-Hind, the Nightingale of India, to address the House (*laughter and cheers*) not in prose but in poetry.

(Mrs. Sarojini Naidu then went up to the rostrum amidst acclamation.)

Mrs. Sarojini Naidu (Bihar: General): Mr. Chairman, the manner of your calling me is not constitutional. (*Laughter*).

The Chairman (Dr. Sachchidananda Sinha): Order, order. No reflection on the Chair please! (*continued laughter*).

Mrs. Sarojini Naidu: It reminds me of some lines of the Kashmiri poet who said:—

"Bulbul ko gul mubarak, gul ko chaman mubarak,
Rangeen tabiaton ko range sukhan mubarak"

and today we are steeped in the rainbow coloured tints of speeches in praise of my great leader and comrade, Rajendra Prasad. (*Cheers.*) I do not know how even poetic fancy can add yet another tint to the rainbow. So I will be modest,

emulating the example of Rajendra Babu himself and confine myself, as a woman should, to purely domestic issues. (*Laughter*). We have all been taken in the chariot of oratory by our great philosopher Sir Radhakrishnan who seems to have evaporated from the scene. (*Laughter*).

Sir S. Radhakrishnan: No, no. I am here! (*Renewed laughter*).

Mrs. Sarojini Naidu: He has poured very eloquent wisdom on us. And also all the other speakers representing different provinces, sects, religions, communities and the gentleman who is asking all of us to quit India after the British, tracing his claim to the original people of this land, have all spoken in their turn, and one thing they have all been unanimous is the question of Rajendra Prasad himself. Some time ago I was asked to compress an epic into an epigram about Rajendra Prasad. I was asked to say a line about Rajendra Prasad, and I said that I could only do so if I had a pen of gold dipped in a pot of honey because all the ink in the world would not suffice to explain his qualities or adequately to pay tribute to his qualities. Very rightly one speaker reminded us, though I agree with one part of it, that both the temporary Chairman and the permanent Chairman were born in Bihar and that both have assimilated some of the qualities of the Great Buddha who was born in Bihar. I say that I agree on one point, not on the other. The point which I wish to agree with is that Rajendra Prasad has certainly descended spiritually from the great Buddha, the embodiment of compassion, understanding, sacrifice and love. For many years, I have been privileged to be associated with him. He is my leader, he is my comrade, he is my brother, but much younger brother. That I knew on his birthday, I found that he is over five whole years younger than I am—and therefore, I am in a position to give him my blessings as well as my tribute of praise. In this House where every one has said with conviction that he would be the guardian and the father of the House, I conceive him not as one with the flaming sword but an angel with the lily which wins victories over the hearts of men, because in him there is essential sweetness, that is part of his strength, there is essential wisdom, that is part of his experience, there is essential clarity of vision, creative imagination and creative faith that brings him very near the feet of Lord Buddha himself. I see gaps in this House and my heart is sore because of the absence of those Muslim brothers to whose coming I am looking forward under the leadership of my old friend Mr. Muhammad Ali Jinnah. I think if any persuasion were necessary, if any fine wand of magic were necessary to bring them in, it would be the essential sweetness, the essential wisdom, the essential creative faith of Dr. Rajendra Prasad. I am hoping and I believe I am right in hoping that my friend Dr. Ambedkar who is so bitter today will soon be one of the most emphatic supporters of this Constituent Assembly in all its purposes and that through him his adherents of many millions will realise that their interests are as safe as the interests of more privileged people. I hope those that call themselves the original masters of this land, the tribal people, will realise that there is no distinction of caste, creed, ancient or modern, status in this Constituent Assembly. I hope the smallest minority in this country will, whether represented politically, or I do not know by what other means they may be represented,—I hope they will realise that they have a jealous, vigilant and loving guardian of their interests who will not permit the more privileged to encroach by a hair's breadth on their birth-right of equity and equal opportunity in this country. I hope also that the Princes of India, many of whom I count among my personal friends, who are so harried, so anxious, so uncertain or so afraid today, will realise that the constitution for India is a constitution for the freedom and emancipation of every human being in India, whether Prince or peasant. I want that realisation to be carried home, and in no better manner, in no more convincing manner can it be carried than through the guidance and guardianship of Dr. Rajendra Prasad. I have been asked to speak—for how long? But I believe that I must disprove the age-old proverb that woman has not only the last but the longest word. I have the last word not because I am a woman but because I am acting

to-day as the hostess of the Indian National Congress which has so gladly invited those who are outside its fold to come and participate with us in framing the constitution, that is to be the immortal charter of India's freedom.

Friends, I do not praise or commend Rajendra Prasad. I affirm that he is the symbol of India's destiny to-day. He will help us in framing that charter that restores to our Mother—our Mother still in fetters,—her rightful place as torchbearer of liberty, love, and peace.

Standing in the immemorial house with its roof of snow and walls of sea, once again in the history of humanity she will rekindle her lamp of wisdom and inspiration to illuminate the world on its onward march to freedom. So, will she be justified of her children and the children be justified of her.

The Chairman (Dr. Sachchidananda Sinha): Hon'ble Members, the last speaker has practically closed me for all time together by declaring that she as a woman must have the last word, and many of you who are lawyers here know that there can be no last word after the last word. I shall therefore not detain you long. If I choose to do so, I could hold your attention till the small hours of the next morning, for of all the people present here in this great gathering I am the one who has had the privilege, the great privilege, the greatest privilege, of knowing intimately Dr. Rajendra Prasad for a period of now 44 long years; since he passed his matriculation in the year 1902, and stood first in the first division in the whole of the Calcutta University of those days, extending from Assam to the Punjab and the North-West Frontier. I remember that when he passed the matriculation examination, standing first in the Calcutta University, I wrote an editorial note in the *Hindustan Review* (which I was then conducting, and which I am still conducting after 47 years), to the effect that to a man with the brilliant powers of Rajendra Prasad nothing could be denied. I said, we may predict that he will one day be the President of the Indian National Congress, and while delivering the presidential address, like Sir Narayan Chandavarkar at the previous year's session of the Congress, held at Lahore, will receive a communication from the Viceroy of India offering him a High Court Judgeship. That was what I predicted about him then. He has lived to be the President of the Indian National Congress more than once. But he has profoundly disappointed me by not being a High Court Judge. Why was I so anxious that he should be a High Court Judge? Because he would have handled properly the British bureaucracy on the executive side, with his independence of judgment and trenchant criticism of their conduct. But if Dr. Rajendra Prasad has not been a High Court Judge, he has lived to be elected the permanent Chairman of the Constituent Assembly of India. And to-day it is my proud privilege now—the highest privilege I hoped to have achieved in my life—of inducting him into the Chair (which I have so unworthily occupied for the last few days) as the first permanent Chairman of this Constituent Assembly. (*Applause.*) I now vacate this Chair, and I shall ask Dr. Rajendra Prasad, in the name of this great gathering, to come and occupy this Chair which he so worthily deserves.

(Cries of *Inquilab Zindabad, Rajendra Babu Zindabad*).

(The temporary Chairman, Dr. Sachchidananda Sinha, then vacated the Chair. The Chair was then occupied by the Hon'ble Dr. Rajendra Prasad amidst acclamation).

Acharya J. B. Kripalani (United Provinces: General): *[Mr. Chairman, there have been many speeches in English and I feel that I should speak in Hindi. I spoke in Hindustani when I invited Dr. Sachchidananda Sinha to be our temporary Chairman. I now congratulate him on your behalf, for performing his work so successfully.

I could not at first believe that Dr. Sinha was older than I. I am younger than him and I am proud of my hair but Dr. Sinha's hair are 'a shade blacker than mine'.

*[English translation of Hindustani speech begins.

He called the meeting to order in a strong voice which did not at all show that he was older than us. He conducted the whole proceedings with a zeal which may be called the fervour of youth. Sometimes, he gave short shrifts to our amendments. Once he remarked on an amendment—"I hope the good sense will prevail".

This kept us silent, fearing that if we said anything, our good sense would be suspected. Thus he performed his work well and I congratulate him on it. I hope he will sit with us in the House in the same spirit in which he conducted the preliminary proceedings of the House.]*

Mr. Chairman (The Hon'ble Dr. Rajendra Prasad): †[Brothers and sisters, pardon me if I say that I feel overwhelmed with the burden you have placed on my shoulders by entrusting me with this most important duty. By electing me for this high rank you have bestowed upon me an honour which is the highest honour for an Indian. Allow me to say that in this country of castes and creeds, you have, as it were, cast me out of your caste. Depriving me of a seat among yourselves you have compelled me to sit on a different Chair, and it does not end there. I believe all of you expect me to do nothing in this House which will show that I belong to a particular party or sect; you will expect that whatever I do here, will be done in a spirit of service to you all. I shall try to carry the honour conferred on me in a manner which will gladden the hearts of all of my brethren and my elder sister here, who have felicitated me at this occasion. I am aware that my path is beset with obstacles. The work of this Constituent Assembly is most arduous. Various problems will come before it and it will be confronted with questions which will not yield easily to solution. I know I will not be able to solve them but I have full confidence in you that you will help me at each step with the same kindness and liberality with which you have elected me here.

The Constituent Assembly is meeting at a most critical time. We all know that other constituent assemblies, whenever and wherever they met, were confronted with similar difficulties. They had also to contend with internal differences which were placed before them with great vehemence. We also know that many of these constituent assemblies were held amidst strife and bloodshed; even their proceedings were conducted amidst quarrels and fights. In spite of all these obstacles those assemblies carried on their work to the end. Their members joined together and with courage, kindness, generosity, tolerance and regard for one another's feelings, framed constitutions which were then readily accepted by the people of the countries for which they were framed. Even at this time the people of those countries consider them their most valuable possession. There is no reason why our Constituent Assembly, in spite of the obstructions in its way, should not succeed in doing its work. If we are sincere, if we respect each other's opinion, we shall develop so much insight that we will not only be able to understand each others thoughts, but also be able to go deep to the root and understand each others real troubles. We will then function in a manner that no one will give no one cause to think that he has been ignored or that his opinion has not been respected. If this comes to pass and if this strength is born in us, I have full faith that in spite of all obstruction we will succeed in our work.

This Constituent Assembly has come into being with a number of limitations, many of which we will have to bear in mind as we proceed. But, it must also be borne in mind that the Assembly is a sovereign body and is fully competent to conduct its proceedings in the manner it chooses to follow. No outside power can meddle with its proceedings. I also believe that it is competent to break the limitations attached to it at its birth. It should be our effort to get free of these limitations and frame a constitution which will assure all men and women of this country, no matter of what religion, province or shade of

]* English translation of Hindustani speech ends.
†[English translation of Hindustani speech begins.

opinion, that their rights are fully protected. If such an effort is made in this House and we succeed in it, I believe that it will be such a landmark in the history of the world that it will be hard to rival.

It is also to be remembered and we, who are present in the House, cannot forget it even for a moment that many of the seats are vacant in this meeting. Our brethren of the Muslim League are not with us and their absence increases our responsibility. We shall have to think at each step what would they have done if they were here? We have to proceed keeping all these things in view. We hope they will soon come and take their places and share in the deliberations for framing a constitution for their country which will give it freedom, that they will join us in our march for freedom. But if unfortunately these seats continue to remain unoccupied, it will be our duty to frame a constitution which will leave no room for complaint from anybody.

We have been fighting for the freedom of our country for a long time. This Constituent Assembly has been brought into existence by three forces: First, the sacrifice of our patriots. Many men and women gave their lives, bore hardships and persecution and after hard and continuous struggles ushered in the present stage. Second, the history of the British nation; their selfishness and their generosity. Third, the present world conditions and serious situation and the forces that are raging in the world. All these combined together to bring into being our Constituent Assembly. These forces will continue functioning while we are proceeding with our work. It is quite possible that some of them may draw us to one side and others to the other side. I am, however, confident that success will be ours. I pray to God that he may give us foresight, so that we may understand each other's mind, and that, united together, we may free our country.

I thank my brothers and sisters who have congratulated me. I was overwhelmed with embarrassment and I wished, I had not been present during their speeches. My particular thanks are due to Dr. Sinha who continued in the Chair and did not throw additional burden upon me at that time. I once more thank you all for the inspiring sentiments that have been expressed. I assure you that in the proceedings of this House, I shall freely give you whatever strength God has bestowed upon me, whatever little wisdom has been given to me and whatever experience of the world I have. In return I hope you will unstintingly give me the help that you can give me.]†

Friends. I just want to say a few words in English for the benefit of those of you who have not been able to follow my speech in Hindi. Hon'ble Members will not consider it ungracious on my part if I tell them that at the present moment I feel more overwhelmed by a sense of the burden of responsibility which they have placed on my shoulders than by a sense of elation for the great honour which they have conferred upon me. I realize that the greatest honour which an Assembly like this could confer on any Indian, you have been pleased to confer on me, and I am not using merely the language of convention when I say that I appreciate it greatly and I am grateful to you for it.

I know the difficulties which I shall have to face in the discharge of the heavy responsibilities which I have undertaken on your behest. I know the work of the Constituent Assembly is beset with various kinds of obstacles, but I know too that in the discharge of my duties, I can count upon your unstinted support and the same kind of generosity which you have exhibited in electing me to this high honour. Our Constituent Assembly is meeting in difficult circumstances. We see signs of strife in many places in this unfortunate land. But other countries too, when they elected their constituent assemblies and asked them to frame a constitution for them, were faced with similar difficulties. We can take comfort in the fact that in spite of those

[† English translation of Hindustani speech ends.

difficulties, in spite of the differences in view-points which exhibited themselves with vigour, sometimes with trouble and turmoil, the assemblies were able, in spite of them, to frame constitutions which were acceptable to the people at large and which have become in course of time an invaluable heritage for the people in those lands. There is no reason why we also should not succeed similarly. All that we need is honesty of purpose, firmness of determination, a desire to understand each others view-point, that we shall do justice, that we shall behave as fairly, as squarely as possible towards everyone else—and with that determination, with that resolve, I cannot see why we should not be able to overcome the obstacles in our way. I am aware that this Constituent Assembly has been born with certain limitations placed on it from its very birth. We may not forget, disregard or ignore those limitations, in the course of our proceedings and in arriving at our decisions. But I know too that in spite of those limitations the Assembly is a self-governing, self-determining independent body with the proceedings of which no outside authority can interfere, and the decisions of which no one else outside it can upset or alter or modify. Indeed it is in the power of this Constituent Assembly to get rid of and to demolish the limitations which have been attached to it at its birth and I hope you, Ladies and Gentlemen, who have come here for framing a constitution for an independent and free India, will be able to get rid of those limitations and to place before the world a model of a constitution that will satisfy all our people, all groups, all communities, all religions inhabiting this vast land, and which will ensure to everyone freedom of action, freedom of thought, freedom of belief and freedom of worship, which will guarantee to everyone opportunities for rising to his highest, and which will guarantee to everyone freedom in all respects.

I hope and trust that this Constituent Assembly will in course of time be able to develop strength as all such assemblies have done. When an organisation like this sets on its work it gathers momentum, and as it goes along it is able to gather strength which can conquer all difficulties and which can subdue the most formidable obstacles in its path. Let me pray and hope that our Assembly too will gather more and more strength as it goes along.

It is a most regrettable thing that I find many seats unoccupied today in this Assembly. I am hoping that our friends of the Muslim League will soon come to occupy these places and will be glad and happy to participate in this great work of creating a constitution for our people, creating a constitution which according to the experience of all other nations of the world, which according to our own experience and which according to our own traditions and our own peculiar conditions, will guarantee to every one all that can be guaranteed, all that need be guaranteed and all that require to be guaranteed, and will not leave any room for any complaint from any side. I am hoping also that you all will do your best to achieve this great objective.

Above all, what we need is freedom and as some one has said "Nothing is more valuable than the freedom to be free". Let us hope and pray that as a result of the labours of this Constituent Assembly we shall have achieved that freedom and we shall be proud of it. (*Applause.*)

ELECTION OF THE COMMITTEE FOR RULES OF PROCEDURE

Mr. Chairman: This brings us to the close of our proceedings for the day, but I will ask Hon'ble Members to bear with me for a minute or two. You will recollect that yesterday we decided to have a Committee for framing Rules, and 12 O'clock was the time fixed by which all nominations had to be put in. We had to elect 15 members. I find that nominations of only 15 members have been put in. That obviates the necessity of having an election by ballot, and I declare the following persons, who have been proposed, to be duly elected.

The Hon'ble Mr. Jagjivan Ram.

Mr. Sarat Chandra Bose.

Mr. F. R. Anthony.

Diwan Bahadur Sir Alladi Krishnaswami Ayyar.

Bakhshi Sir Tek Chand.

The Hon'ble Mr. Rafi Ahmad Kidwai.

Shrimati G. Durga Bai.

Dr. Joseph Alban D'Souza.

The Hon'ble Diwan Bahadur Sir N. Gopalaswami Ayyangar.

The Hon'ble Shri Purushottam Das Tandon.

The Hon'ble Srijut Gopinath Bardoloi.

Dr. B. Pattabhi Sitaramayya.

Mr. K. M. Munshi.

The Hon'ble Mr. Mehr Chand Khanna.

Sardar Harnam Singh.

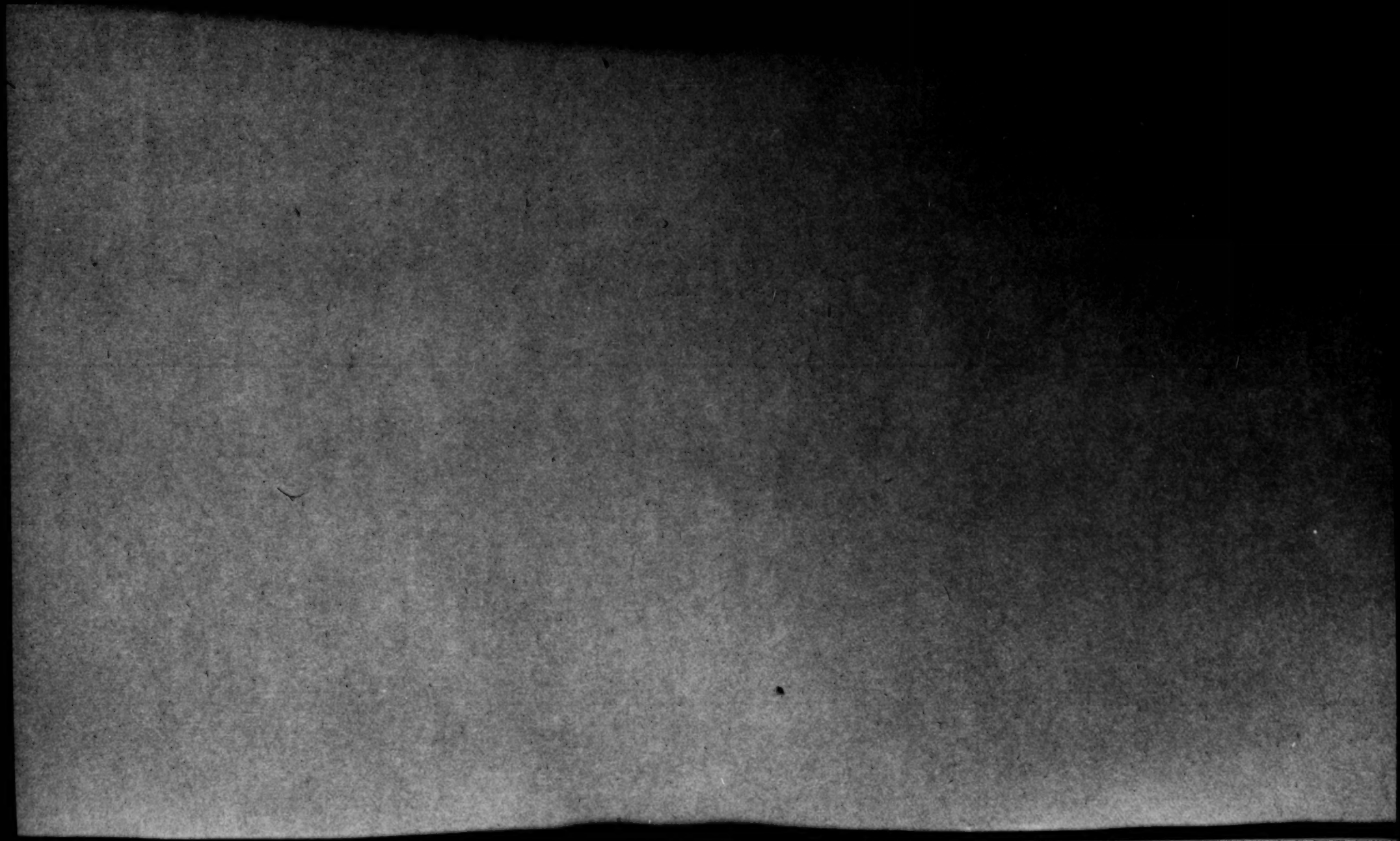
They are declared duly elected to the Rules Committee.

There is one thing more. On the first day, Dr. Sinha, to save time and for the convenience of the members, did away with the process of hand shaking with every member. I would like to go round and meet every member before you all leave this place. I know there are many with whom it has been my privilege to work for years. I know others with whom I have not been so intimately associated, but whose faces are known and in some cases names too. But there are at least some whom I have not known and I would like to make their acquaintance today, if you don't mind.

After that we disperse for the day. The House remains adjourned till Eleven of the Clock tomorrow morning.

(Mr. Chairman went round and shook hands with all the members present).

The Assembly then adjourned till Thursday, the 12th December 1946, at Eleven of the Clock.



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CONSTITUENT ASSEMBLY OF INDIA

Thursday, the 12th December, 1946

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. Chairman (The Hon'ble Dr. Rajendra Prasad) in the Chair.

Mr. Chairman: If there are any Members who have not yet signed the Register, they may do so now.

(Nobody came forward.)

It seems there is nobody who has not yet signed. We now proceed to the next item. The first item that we have is a Resolution by Pandit Jawahar Lal Nehru. I understand that there are some Members who feel that they have not had sufficient time to consider this important Resolution. There is no doubt that the Resolution is a very important one and I would not like any Member to feel that he has not had sufficient time to consider it fully. If the House so desires, I am prepared to adjourn this discussion till tomorrow.

Hon'ble Members: Yes.

Mr. Chairman: Then there is another matter in this connection in regard to which I should like the advice of the House. We have got a Rules Committee and its members should meet to prepare the Rules which they will place before us. They should have time separate from the general session of the Assembly. If you agree, they will meet after this House is adjourned and we shall do as much as we can do. But if it cannot complete the work, the Rules Committee will have to meet tomorrow, and I would like to know whether the House would like to sit in the morning from 11 or in the afternoon because I would suggest that we should have one session only, either in the morning or afternoon, so that the Rules Committee may get the other half of the day for its work. If the House want the morning session, then we can meet in the morning.

Some Hon'ble Members: We want morning sessions.

Some Hon'ble Members: Afternoon sessions.

Mr. Chairman: I am afraid in this matter it is difficult for me to come to a decision. I have to trouble the members to raise their hands—those who would like the morning sessions may please raise their hands.

(More members raised their hands in favour of the morning session.)

It seems the morning session is preferred by a large number of people. We shall have the session at 11 tomorrow morning concerning this Resolution and in the afternoon we may have, if necessary a meeting of the Rules Committee. If any Members have got any amendment to the Resolution to move, I would request them to hand over the amendments to the Secretary in the course of the day and we shall take up the discussion tomorrow. The Secretary will take care, if possible, to circulate the amendments also to Members.

An Hon'ble Member: Are we sitting on Saturday?

Mr. Chairman: I think we should be sitting on Saturday. That is my view but that is entirely in the hands of the House. I think we will be sitting on Saturday too

The Hon'ble Pandit Hirday Nath Kunzru (United Provinces: General): I think we should not meet on Saturday. Let us have a day off for quiet discussions of the problems between ourselves.

Shri Sri Prakasa (United Provinces: General): I think we should not meet on Sundays and that should be sufficient for quiet discussions for Pandit Hirday Nath Kunzru.

Mr. Chairman: We shall consider that tomorrow. So far as the House is concerned, I think we have to adjourn now till 11 A.M. tomorrow and I would like the Members of the Rules Committee to meet say half-an-hour later. In the meantime we shall fix up some room where they shall meet.

The House stands adjourned till 11 A.M. to-morrow.

Dr. Sir Hari Singh Gour (C. P. and Berar: General): It seems to me that it will serve a useful purpose if the Hon'ble Mover of the Resolution formally moves and expresses his views to enable the Members here to understand the full import of the Resolution, so that we can frame amendments accordingly and these can be taken up to-morrow or the day after.

Mr. Satyanarayan Sinha (Bihar: General): The House has already been adjourned.

Mr. Chairman: Sir Hari Singh Gour has suggested that the Resolution might be moved by the Mover today who in his speech could explain his own point of view so that the other Members may be in possession of that and the discussion might take place tomorrow. I had myself at first thought of that but then I felt that the Members would like to consider the whole thing to-morrow.

Some Hon'ble Members: Tomorrow.

Mr. Chairman: There seems to be a difference of opinion and I do not like to take a vote on this question especially as I have already declared the House adjourned. So we shall now adjourn. The House stands adjourned till to-morrow, 11 O'Clock.

The Assembly then adjourned till Eleven of the Clock, on Friday, the 13th December, 1946.

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CONSTITUENT ASSEMBLY OF INDIA

Friday, the 13th December, 1946

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. Chairman (The Hon'ble Dr. Rajendra Prasad) in the Chair.

RESOLUTION *RE*: AIMS AND OBJECTS

Mr. Chairman: Pandit Jawahar Lal Nehru will now move the Resolution which stands in his name.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General): *[Mr. Chairman, this Constituent Assembly has now been in session for some days. It has done much formal business, but more is yet to be done. We have been cutting our way and clearing the ground on which we intend to erect the edifice of a constitution. It, however, seems proper that before we proceed further we should clearly understand where we are going and what we intend building. It is apparent that on such occasions details are unnecessary. In building, you will, no doubt, use each brick after mature consideration. Usually, when one desires to construct a building, one must have a plan for the structure that one wishes to erect and then collect the material required. For a long time we have been having various plans for a free India in our minds, but now, when we are beginning the actual work, I hope, you will be at one with me when I say, that we should present a clear picture of this plan to ourselves, to the people of India and to the world at large. The Resolution that I am placing before you defines our aims, describes an outline of the plan and points the way which we are going to tread.

You all know that this Constituent Assembly is not what many of us wished it to be. It has come into being under particular conditions and the British Government has a hand in its birth. They have attached to it certain conditions. We accepted the State Paper, which may be called the foundation of this Assembly, after serious deliberations and we shall endeavour to work within its limits. But you must not ingore the source from which this Assembly derives its strength. Governments do not come into being by State Papers. Governments are, in fact, the expression of the will of the people. We have met here today because of the strength of the people behind us and we shall go as far as the people—not of any party or group but the people as a whole—shall wish us to go. We should, therefore, always keep in mind the passions that lie in the hearts of the masses of the Indian people and try to fulfill them.

I am sorry there are so many absentees. Many members who have a right to come and attend the meeting are not here to-day. This, in one sense, increases our responsibility. We shall have to be careful that we do nothing which may cause uneasiness in others or goes against any principle. We do hope that those who have abstained, will soon join us in our deliberations, since this Constitution can only go as far as the strength behind it can push it. It has ever been and shall always be our ardent desire to see the people of India united together so that we may frame a constitution which will be acceptable to the masses of the Indian people. It is, at the same time, manifest that when a great country starts to advance, no party or group can stop it. This House,

*[English translation of Hindustani speech begins.

[The Hon'ble Pandit Jawahar Lal Nehru]

although it has met in the absence of some of its members, will continue functioning and try to carry out its work at all costs.

The Resolution that I am placing before you is in the nature of a pledge. It has been drafted after mature deliberation and efforts have been made to avoid controversy. A great country is sure to have a lot of controversial issues; but we have tried to avoid controversy as much as possible. The Resolution deals with fundamentals which are commonly held and have been accepted by the people. I do not think this Resolution contains anything which was outside the limitations laid down by the British Cabinet or anything which may be disagreeable to any Indian, no matter to what party or group he belongs. Unfortunately, our country is full of differences, but no one, except perhaps a few, would dispute the fundamentals which this Resolution lays down. The Resolution states that it is our firm and solemn resolve to have a sovereign Indian republic. We have not mentioned the word 'republic' till this time; but you will well understand that a free India can be nothing but a republic.

On this occasion, when the representatives of the Indian States are not present, I desire to make it clear how this Resolution will affect the Indian States. It has also been suggested, and the suggestion may take the form of an amendment laying down that since certain sections of the House are not present, the consideration of the Resolution may be postponed. In my opinion, such an amendment is not in keeping with the spirit of the times, because if we do not approve the first objective that we are placing before ourselves, before our country and before the world at large, our deliberations will become meaningless and lifeless, and the people will have no interest in our work. Our intention regarding the States must be clearly understood. We do desire that all sections of India should willingly participate in the future Indian Union but in what way and with what sort of government rests with them. The Resolution does not go into these details. It contains only the fundamentals. It imposes nothing on the States against their will. The point to be considered is how they will join us and what sort of administration they will have. I do not wish to express my personal opinion on the matter. Nevertheless I must say that no State can have an administration which goes against our fundamental principles or gives less freedom than obtaining in other parts of India. The Resolution does not concern itself with what form of government they will have or whether the present Rajas and Nawabs will continue or not. These things concern the people of the States. It is quite possible that the people may like to have their Rajas. The decision will rest with them. Our republic shall include the whole of India. If a part within it desires to have its own type of administration, it will be at liberty to have it.

I do not wish that anything should be aded to or substracted from the Resolution. It is my hope that this House will do nothing that may appear in Papers, so that, at no time, should people, who are concerned with these problems but who are not present here, be able to say that this House indulged in irregular talk.

I desire to make it clear that this Resolution does not go into details. It only seeks to show how we shall lead India to gain the objectives laid down in it. You will take into consideration its words and I hope you will accept them; but the main thing is the spirit behind it. Laws are made of words but this Resolution is something higher than the law. If you examine its words like lawyers you will produce only a lifeless thing. We are at present standing midway between two ears; the old order is fast changing, yielding place to the new. At such a juncture we have to give a live message to India and to the world at large. Later on we can frame our Constitution in whatever words we please. At present, we have to send out a message to show what we have

resolved to attempt to do. As to what form or shape this Resolution, this declaration will ultimately take, we shall see later. But one thing is, however, certain: it is not a law; but is something that breathes life in human minds.

I hope the House will pass the Resolution which is of a special nature. It is an undertaking with ourselves and with the millions of our brothers and sisters who live in this great country. If it is passed, it will be a sort of pledge that we shall have to carry out. With this expectation and in this form, I place it before you. You have copies of it in Hindustani with you. I will therefore not take more of your time to read it one way, or, I will, however, read it in English and speak further on it in that language.]*

I beg to move:

"(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;

(2) WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and

(3) WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

(4) WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

(5) WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political: equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

(6) WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

(7) WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to justice and the law of civilised nations, and

(8) this ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind."

Sir, this is the fifth day of this first session of the Constituent Assembly. Thus far we have laboured on certain provisional and procedural matters which are essential. We have a clear field to work upon; we have to prepare the ground and we have been doing that these few days. We have still much to do. We have to pass our Rules of Procedure and to appoint Committees and the like, before we can proceed to the real step, to the real work of this Constituent Assembly, that is, the high adventure of giving shape, in the printed and written word, to a Nation's dream and aspiration. But even now, at this stage, it is surely desirable that we should give some indication to ourselves, to those who look to this Assembly, to those millions in this country who are looking up to us and to the world at large, as to what we may do, what we seek to achieve, whither we are going. It is with this purpose that I have placed this Resolution before this House. It is a Resolution and yet, it is something much more than a resolution. It is a Declaration. It is a firm resolve. It is a pledge and an undertaking and it is for all of us I hope a dedication. And I wish this House, if I may say so respectfully, should consider this Resolution not in a spirit of narrow legal wording, but rather to look at the spirit behind that Resolution. Words are magic things often enough, but even the magic of words

* English translation of Hindustani speech ends.

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sometimes cannot convey the magic of the human spirit and of a Nation's passion. And so, I cannot say that this Resolution at all conveys the passion that lies in the hearts and the minds of the Indian people today. It seeks very feebly to tell the world of what we have thought or dreamt of so long, and what we now hope to achieve in the near future. It is in that spirit that I venture to place this Resolution before the House and it is in that spirit that I trust the House will receive it and ultimately pass it. And may I, Sir, also, with all respect, suggest to you and to the House that, when the time comes for the passing of this Resolution let it be not done in the formal way by the raising of hands, but much more solemnly, by all of us standing up and thus taking this pledge anew.

The House knows that there are many absentees here and many members who have a right to come here, have not come. We regret that fact because we should have liked to associate with ourselves as many people, as many representatives from the different parts of India and different groups as possible. We have undertaken a tremendous task and we seek the co-operation of all people in that task; because the future of India that we have envisaged is not confined to any group or section or province or other, but it comprises all the four hundred million people of India, and it is with deep regret that we find some benches empty and some colleagues, who might have been here, absent. I do feel, I do hope that they will come and that this House, in its future stages, will have the benefit of the co-operation of all. Meanwhile, there is a duty cast upon us and that is to bear the absentees in mind, to remember always that we are here not to function for one party or one group, but always to think of India as a whole and always to think of the welfare of the four hundred millions that comprise India. We are all now, in our respective spheres, partymen, belonging to this or that group and presumably we shall continue to act in our respective parties. Nevertheless, the time comes when we have to rise above party and think of the Nation, think sometimes of even the world at large of which our Nation is a great part. And when I think of the work of this Constituent Assembly, it seems to me, the time has come when we should, so far as we are capable of it, rise above our ordinary selves and party disputes and think of the great problem before us in the widest and most tolerant and most effective manner so that, whatever we may produce, should be worthy of India as a whole and should be such that the world should recognise that we have functioned, as we should have functioned, in this high adventure.

There is another person who is absent here and who must be in the minds of many of us today—the great leader of our people, the father of our Nation (*applause*)—who has been the architect of this Assembly and all that has gone before it and possibly of much that will follow. He is not here because, in pursuit of his ideals, he is ceaselessly working in a far corner of India. But I have no doubt that his spirit hovers over this place and blesses our undertaking.

As I stand here, Sir, I feel the weight of all manner of things crowding around me. We are at the end of an era and possibly very soon we shall embark upon a new age; and my mind goes back to the great past of India, to the 5,000 years of India's history, from the very dawn of that history which might be considered almost the dawn of human history, till today. All that past crowds around me and exhilarates me and, at the same time, somewhat oppresses me. Am I worthy of that past? When I think also of the future, the greater future I hope, standing on this sword's edge of the present between this mighty past and the mightier future, I tremble a little and feel overwhelmed by this mighty task. We have come here at a strange moment in India's history. I do not know but I do feel that there is some magic in this moment of transition from the old to the new, something of that magic which one sees when the night turns into day and even though the day may be a cloudy one, it is day after all, for when

the clouds move away, we can see the sun later on. Because of all this I find a little difficulty in addressing this House and putting all my ideas before it and I feel also that in this long succession of thousands of years, I see the mighty figures that have come and gone and I see also the long succession of our comrades who have laboured for the freedom of India. And now we stand on the verge of this passing age, trying, labouring, to usher in the new. I am sure the House will feel the solemnity of this moment and will endeavour to treat this Resolution which it is my proud privilege to place before it in that solemn manner. I believe there are a large number of amendments coming before the House. I have not seen most of them. It is open to the House, to any member of this House, to move any amendment and it is for the House to accept it or reject it, but I would, with all respect, suggest that this is not a moment for us to be technical and legal about small matters when we have big things to face, big things to say and big things to do, and therefore I would hope that the House would consider this Resolution in this big manner and not lose itself in wordy quarrels and squabbles.

I think also of the various Constituent Assemblies that have gone before and of what took place at the making of the great American nation when the fathers of that nation met and fashioned out a constitution which has stood the test of so many years, more than a century and a half, and of the great nation which has resulted, which has been built up on the basis of that Constitution. My mind goes back to that mighty revolution which took place also over 150 years ago and to that Constituent Assembly that met in that gracious and lovely city of Paris which has fought so many battles for freedom, to the difficulties that that Constituent Assembly had and to how the King and other authorities came in its way, and still it continued. The House will remember that when these difficulties came and even the room for a meeting was denied to the then Constituent Assembly, they betook themselves to an open tennis court and met there and took the oath, which is called the Oath of the Tennis Court, that they continued meeting in spite of Kings, in spite of the others, and did not disperse till they had finished the task they had undertaken. Well, I trust that it is in that solemn spirit that we too are meeting here and that we, too, whether we meet in this chamber or other chambers, or in the fields or in the marketplace, will go on meeting and continue our work till we have finished it.

Then my mind goes back to a more recent revolution which gave rise to a new type of State, the revolution that took place in Russia and out of which has arisen the Union of the Soviet Socialist Republics, another mighty country which is playing a tremendous part in the world, not only a mighty country but for us in India, a neighbouring country.

So our mind goes back to these great examples and we seek to learn from their success and to avoid their failures. Perhaps we may not be able to avoid failures because some measure of failure is inherent in human effort. Nevertheless, we shall advance, I am certain, in spite of obstructions and difficulties, and achieve and realise the dream that we have dreamt so long. In this Resolution which the House knows, has been drafted with exceeding care, we have tried to avoid saying too much or too little. It is difficult to frame a resolution of this kind. If you say too little, it becomes just a pious resolution and nothing more. If you say too much, it encroaches on the functions of those who are going to draw up a constitution, that is, on the functions of this House. This Resolution is not a part of the constitution we are going to draw up, and it must not be looked at as such. This House has perfect freedom to draw up that Constitution and when others come into this House, they will have perfect freedom too to fashion that constitution. This Resolution therefore steers between these two extremes and lays down only certain fundamentals which I do believe, no group or party and hardly any individual in India can dispute. We say that it is our firm and solemn resolve to have an independent sovereign

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republic. India is bound to be sovereign, it is bound to be independent and it is bound to be a republic. I will not go into the arguments about monarchy and the rest, but obviously we cannot produce monarchy in India out of nothing. It is not there. If it is to be an independent and sovereign State, we are not going to have an external monarchy and we cannot have a search for some local monarchies. It must inevitably be a republic. Now, some friends have raised the question: "Why have you not put in the word "democratic" here. Well, I told them that it is conceivable, of course, that a republic may not be democratic but the whole of our past is witness to this fact that we stand for democratic institutions. Obviously we are aiming at democracy and nothing less than a democracy. What form of democracy, what shape it might take is another matter? The democracies of the present day, many of them in Europe and elsewhere, have played a great part in the world's progress. Yet it may be doubtful if those democracies may not have to change their shape somewhat before long if they have to remain completely democratic. We are not going just to copy, I hope, a certain democratic procedure or an institution of a so-called democratic country. We may improve upon it. In any event whatever system of Government we may establish here must fit in with the temper of our people and be acceptable to them. We stand for democracy. It will be for this House to determine what shape to give to that democracy, the fullest democracy, I hope. The House will notice that in this Resolution, although we have not used the word 'democratic' because we thought it is obvious that the word 'republic' contains that word and we did not want to use unnecessary words and redundant words, but we have done something much more than using the word. We have given the content of democracy in this Resolution and not only the content of democracy but the content, if I may say so, of economic democracy in this Resolution. Others might take objection to this Resolution on the ground that we have not said that it should be a Socialist State. Well, I stand for Socialism and, I hope, India will stand for Socialism and that India will go towards the constitution of a Socialist State and I do believe that the whole world will have to go that way. What form of Socialism again is another matter for your consideration. But the main thing is that in such a Resolution, if, in accordance with my own desire, I had put in, that we want a Socialist State, we would have put in something which may be agreeable to many and may not be agreeable to some and we wanted this Resolution not to be controversial in regard to such matters. Therefore we have laid down, not theoretical words and formulae, but rather the content of the thing we desire. This is important and I take it there can be no dispute about it. Some people have pointed out to me that our mentioning a republic may somewhat displease the Rulers of Indian States. It is possible that this may displease them. But I want to make it clear personally and the House knows, that I do not believe in the monarchical system anywhere, and that in the world today monarchy is a fast disappearing institution. Nevertheless it is not a question of my personal belief in this matter. Our view in regard to these Indian States has been, for many years, first of all that the people of those States must share completely in the freedom to come. It is quite inconceivable to me that there should be different standards and degrees of freedom as between the people in the States and the people outside the States. In what manner the States will be parts of that Union, that is a matter for this House to consider with the representatives of the States. And I hope in all matters relating to the States, this House will deal with the real representatives of the States. We are perfectly willing, I take it, to deal in such matters as appertain to them, with the Rulers or their representatives also, but finally when we make a constitution for India, it must be through the representatives of the people of the States as with the rest of India, who are present here. (*Applause*). In any event, we may lay down or agree that the measure of freedom must be the same in the States as elsewhere.

It is a possibility and personally I should like a measure of uniformity too in regard to the apparatus and machinery of Government. Nevertheless, this is a point to be considered in co-operation and in consultation with the States. I do not wish, and I imagine this Constituent Assembly will not like, to impose anything on the States against their will. If the people of a particular State desire to have a certain form of administration, even though it might be monarchical, it is open to them to have it. The House will remember that even in the British Commonwealth of Nations today, Eire is a Republic and yet in many ways it is a member of the British Commonwealth. So, it is a conceivable thing. What will happen, I do not know, because that is partly for this House and partly for others to decide. There is no incongruity or impossibility about a certain definite form of administration in the States, provided there is complete freedom and responsible Government there and the people really are in charge. If monarchical figure-heads are approved by the people of the State, of a particular State, whether I like it or not, I certainly will not like to interfere. So I wish to make it clear that so far as this Resolution or Declaration is concerned, it does not interfere in any way with any future work that this Constituent Assembly may do, with any future negotiations that it may undertake. Only in one sense, if you like, it limits our work, if you call that a limitation, *i.e.*, we adhere to certain fundamental propositions which are laid down in this Declaration. Those fundamental propositions, I submit, are not controversial in any real sense of the word. Nobody challenges them in India and nobody ought to challenge them and if anybody does challenge, well, we accept that challenge and we hold our position. (*Applause*).

Well, Sir, we are going to make a constitution for India and it is obvious that what we are going to do in India, is going to have a powerful effect on the rest of the world, not only because a new free independent nation comes out into the arena of the world, but because of the very fact that India is such a country that by virtue, not only of her large size and population, but of her enormous resources and her ability to exploit those resources, she can immediately play an important and a vital part in world affairs. Even today, on the verge of freedom as we are today, India has begun to play an important part in world affairs. Therefore, it is right that the framers of our Constitution should always bear this larger international aspect in mind.

We approach the world in a friendly way. We want to make friends with all countries. We want to make friends, in spite of the long history of conflict in the past, with England also. The House knows that recently I paid a visit to England. I was reluctant to go for reasons which the House knows well. But I went because of a personal request from the Prime Minister of Great Britain. I went and I met with courtesy everywhere. And yet at this psychological moment in India's history when we wanted, when we hungered for messages of cheer, friendship and co-operation from all over the world, and more especially from England, because of the past contact and conflict between us, unfortunately, I came back without any message of cheer, but with a large measure of disappointment. I hope that the new difficulties that have arisen, as every one knows, because of the recent statements made by the British Cabinet and by others in authority there, will not come in our way and that we shall yet succeed in going ahead with the co-operation of all of us here and those who have not come. It has been a blow to me, and it has hurt me that just at the moment when we are going to stride ahead, obstructions were placed in our way, new limitations were mentioned which had not been mentioned previously and new methods of procedure were suggested. I do not wish to challenge the *bona fides* of any person, but I wish to say that whatever the legal aspect of the thing might be, there are moments when law is a very feeble reed to rely upon, when we have to deal with a nation which is full of the passion for

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freedom. Most of us here during the past many years, for a generation or more, have often taken part in the struggle for India's freedom. We have gone through the valley of the shadow. We are used to it and if necessity arises, we shall go through it again. (*Hear, hear*). Nevertheless, through all this long period, we have thought of the time when we shall have an opportunity, not merely to struggle, not merely to destroy, but to construct and create. And now, when it appeared that the time was coming for constructive effort in a free India to which we looked forward with joy, fresh difficulties are placed in our way at such a moment. It shows that, whatever force might be behind all this, people who are able and clever and very intelligent, somehow lack the imaginative daring which should accompany great offices. For, if you have to deal with any people, you have to understand them imaginatively; you should understand them emotionally; and of course, you have also to understand them intellectually. One of the unfortunate legacies of the past has been that there has been no imagination in the understanding of the Indian problem. People have often indulged in, or have presumed to give us advice, not realising that India, as she is constituted today, wants no one's advice and no one's imposition upon her. The only way to influence India is through friendship and co-operation and goodwill. Any attempt at imposition, the slightest trace of patronage, is resented and will be resented. (*Applause*). We have tried, I think honestly, in the last few months in spite of the difficulties that have faced us, to create an atmosphere of co-operation. We shall continue that endeavour. But I do very much fear that that atmosphere will be impaired if there is not sufficient and adequate response from others. Nevertheless, because we are bent on great tasks, I hope and trust, that we shall continue that endeavour and I do hope that if we continue, that we shall succeed. Where we have to deal with our own countrymen, we must continue that endeavour even though in our opinion some countrymen of ours take a wrong path. For, after all, we have to work together in this country and we have inevitably to co-operate, if not today, tomorrow or the day after. Therefore, we have to avoid in the present anything which might create a new difficulty in the creation of that future which we are working for. Therefore, so far as our own countrymen are concerned, we must try our utmost to gain their co-operation in the largest measure. But, co-operation cannot mean the giving up of the fundamental ideals on which we have stood and on which we should stand. It is not co-operation to surrender everything that has given meaning to our lives. Apart from that, as I said, we seek the co-operation of England even at this stage which is full of suspicion of each other. We feel that if that co-operation is denied, that will be injurious to India, certainly to some extent, probably more so to England, and to some extent, to the world at large. We have just come out of the World War and people talk vaguely and rather wildly of new wars to come. At such a moment this New India is taking birth-renascent, vital, fearless. Perhaps it is a suitable moment for this new birth to take place out of this turmoil in the world. But we have to be clear-eyed at this moment,—we, who have this heavy task of constitution-building. We have to think of this tremendous prospect of the present and the greater prospect of the future and not get lost in seeking small gains for this group or that. In this Constituent Assembly we are functioning on a world stage and the eyes of the world are upon us and the eyes of our entire past are upon us. Our past is witness to what we are doing here and though the future is still unborn, the future too somehow looks at us, I think, and so, I would beg of this House to consider this Resolution in this mighty prospect of our past, of the turmoil of the present and of the great and unborn future that is going to take place soon. Sir, I beg to move. (*Prolonged Cheers*).

Mr. Chairman: Shri Purushottam Das Tandon will second the Resolution.

The Hon'ble Shri Purushottam Das Tandon (United Provinces: General): *[Mr. Chairman, I fully support the Resolution moved by my brother Pandit Jawahar Lal Nehru. Today's session of the Constituent Assembly is an historical occasion. After centuries such a meeting has once more been convened in our country. It recalls to our mind our glorious past when we were free and when assemblies were held at which the Pandits met to discuss important affairs of the country. It reminds us of the Assemblies of age of Asoka. We have dim impressions of those days before our eyes. We are also reminded of Assemblies of other countries such as, America, France and Russia. Our Constituent Assembly will be remembered with those others which met to frame the constitutions of other free nations. We have met here to frame a constitution which will show to the world that India is determined to live honourably not in isolation but as a part of the world. It will co-operate with other countries and help them in their difficulties and assist them in all those affairs which make for the general progress of the world. We hope that what we are doing today will be a historic event which will be counted among those great events which have helped in the progress of the world.

India has been under the sway of the British for the last 150 years. We do not wish to go into things against which we have continuously raised our voice ever since the advent of the British Raj. We will not at present speak of the injuries done to India during this one and a half century. They not only deprived us of our freedom but also created disunity among us. We are not to go into these things today. We, however, cannot ignore the struggle and sacrifices of our leaders. In the beginning our leaders demanded freedom by passing resolutions with explanations and submitting them to the Government. We were subjected openly to high-handedness and the Government were everywhere openly favouring the British. We earnestly appealed to our rulers to treat us with justice. Our leaders referred them to their high ideals, to the ideals of Burke and Mill. They were steeped in British ideals and they hoped that the British would do them justice and give them freedom. That time is now gone. Our experience has shown us that freedom cannot be had by requests and appeals and that drastic steps are unavoidable. The pages of our history show that new movements were started and open opposition began to be offered to the British. The movement of 1905-6 helped our country to ascend a few rungs higher on the ladder of progress. At that time our brave Bengali leaders and youths did acts which will be written in golden letters in our history. We forged ahead. Our national leader, Mahatma Gandhi, appeared in the field of politics and changed the methods of our struggle. He taught us new ways and we started afresh. British laws were not only openly defied but were also openly contravened without minding the dire consequences which were likely to follow such action. Thousands of our people broke the laws and went to jails. The pictures of those, who gave their lives or lingered for years in prisons, stand before our eyes. The more recent movement—the movement of 1942—is, in fact, the creator of this Assembly. This movement played a most important role in making the British Government call this Constituent Assembly. It opened a new field for our further advance. The eyes of the British Government were opened and the world was confronted with the fact that the British Government could no longer stay in India. Other countries did not help us openly. We have, however, to admit that in addition to the expression of our strength, which is the main thing which will carry us towards our goal, we were helped by powers which are today engaged in uniting the world. The world has seen, that oppression perpetrated in its remotest corner, has far-reaching repercussions involving the oppressor's country and its neighbours. This has been proved by the last two world wars. Now the great leaders of the world are thinking of the means to save the world from the ravages of a third world war. They desire

*[English translation of Hindustani speech begins.

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to make it a paradise, to turn it into a place where no more wars will be fought, no more human blood will be shed, where no great distinction will exist between the rich and the poor, where everybody will get food and amenities, where people will be allowed to live according to their ideas, where every child has a rgiht to be educated, where ideals will become noble and nobler and where spiritual ties will grow between the sons of man. Wise people are trying to bring out laws which will extricate the world from the slough in which it is at present wallowing and which will give equal rights to all countries. The time is swiftly changing and world forces are contributing towards these new ideas. We, too, living in this world cannot escape them. We ardently welcome the new forces which have always been the basis of our high hopes. It can be particularly said about India that its people have always considered the whole of mankind as one family and the whole world as one country. The best people among us never made any distinction between the people of the world. Many foreigners came to our country. We received them with open arms. We never practised the policy, which some countries have adopted against the people of our country. Our history shows that we welcomed all those who came from other countries and gave them whatever help they needed, assisting them to stay in our country. How did the people of England first come to this country? They found here protection and refuge. There have been quarrels and strifes; but on the whole our history shows that we have always protected human rights. We do not consider it right to divide brother from brother nor do we make any distinction in their political rights. We have, no doubt, had and still have shortcomings; and we cannot ignore them.

Our past history urges us to go forward. We have to reach the point where we may place the ideal of equality not only before our own country but before the world at large. On this historical occasion it is quite natural that our thoughts dwell on our past history and to the events which occurred in our country; On our struggles, our sacrifices and help that we have received from other nations which have brought us here together and we must take strength from them. We have come here to frame a constitution which will give our country peace and tranquillity. We aim at giving equality to each and every inhabitant of our motherland.

The Resolution placed before you to-day has equality as its underlying theme. The different sections of the country have been given autonomy and India as a whole remains one with full sovereignty. We shall stand united in affairs which demand our unity. The one important thing in the Resolution is the recognition of India as a free country. Our country is one and yet we shall give full freedom to its various sections to have for themselves whatever administration they liked. The present division of our country into provinces may change. We shall do justice to all communities and give them full freedom in their social and religious affairs.

There is an amendment to the Resolution asking for a postponement of its consideration until such time as the Muslim League joins the Assembly. We should not ignore the fact that for every action there is a proper time. If we postpone the Resolution today, when will it again come before us? We are not certain as to when the League would come in. We have gathered together to-day; should we disperse without doing anything? Should we not have at least an objective for our future proceedings? Should we go away after merely appointing a Procedure Committee? Our brethren advise us to postpone the consideration of the Resolution to some other time. If they wanted not to do anything in the absence of the Muslim League, why have they met here at all?

We do want the Muslim League to co-operate with us; but can we contribute to the present aims and aspirations of that body? We shall try our utmost not to hurt the cause of the Muslim League; and I point out to you

that the Resolution takes note of this fact. There are many of us who are against giving residuary powers to the provinces. Personally, I would oppose the grant of residuary powers to the provinces in the best interests of my country, especially in view of the conditions prevalent in the provinces owing to this Hindu-Muslim problem. We all know what has happened in Bengal and in other provinces. Residuary powers and political rights, which may conduce to unity and progress in the country, should lie with the Central or Federal Government. The Resolution, however, gives residuary powers to the provinces so that the Muslim League may not say that we have done in their absence what as we pleased. Moreover, the State Paper issued by the Cabinet Mission, which is the foundation of the Constituent Assembly, also said that the residuary powers should go to the provinces. We accepted it in the hope that this will enable the Muslim League to work with us. We went as far as we could to make the Muslim League co-operate with us; nay, I would rather say, we want farther than was needed, because the Muslim League aims at certain objectives which are absolutely against our objectives and this will cause a lot of trouble in the future. For the sake of securing Muslim League's co-operation we have been accepting many things against our ideals. We should now put a stop to that and should not ignore our fundamental principles for the sake of coming to an agreement with the Muslim League. I am opposed to the postponement of the Resolution, and I am sure, the House realises the importance of this Resolution. Constituent Assemblies in other countries began with their objectives before them. If you postpone this Resolution, what will the world think? When they hear of this Resolution they would think that India was going to be free; that the fight of 'Quit India' against the British started by Indians in 1942, was being won. This Resolution will lend a great importance to your cause of freedom, and its postponement, I think, is not expedient.

There are other amendments to the Resolution. It has been clearly pointed out in the Resolution that power shall entirely vest in the people. Some members suggest to substitute 'working people' for 'people.' I am opposed to this. The word 'people' means all the people. I am myself a servant of the farmers. To work with them is my highest glory. The term 'people' is comprehensive and contains all the people. It is, therefore, my opinion that no adjective should be attached to it. There are amendments asking for universal compulsory education and so on. These are petty matters. Times have changed. Provincial Governments have enacted laws to enforce these things. For the nonce, we should concentrate on larger issues. All these amendments are non-essential and should not be moved.

As I have already said we have got this of making a constitution after passing through many ordeals. We obtained some privileges in 1935. We continued the fight until we came to 1942. Now, as a result of these struggles, we have gathered here to frame a constitution and we do not yet know what will be the result of our efforts. Our path is still full of obstructions. Our friends in London send us their advice. Sir Stafford Cripps, while speaking of certain principles, advises us to accept the formula that the majority should frame its own constitution, while the minority should also have the right to have its safeguards against any obstructions from the majority. I am sorry to say, though Sir Stafford professes to help us, his real aim is to erect obstacles in our way. The history of our relations with the British show that Hindu-Muslim differences are purely a British creation.

The differences on which the British harp upon have been created by them. They were not in existence before their advent. Hindus and Muslims had a common civilization and lived amicably. Can the British say that the situation now obtained in India is not of their creation and is not backed by them? Those who are opposing us under the instigation of the British are our brethren and we certainly desire their co-operation; but in order to have them on our side.

[The Hon'ble Shri Purushottam Das Tandon]

we cannot sacrifice these basic principles to which we have been wedded till now and which go to make a nation. Sir Stafford warns us of civil war and advises us to co-operate with each other to avoid it. No patriot would like civil war and shedding the blood of his own countrymen. Congress has always tried to unite all the sections of the population to fight for the freedom of their country. Our leaders have never indulged in communal bickerings. Congress is the only body in which Hindus, Muslims, Parsees, Jains and Buddhists can unite. In politics it refuses to recognize any difference on account of religion. To say that such and such sections be separated from the country on religious basis, is no religion but pure politics—politics which destroy the unity of a country. We ask Sir Stafford and other British leaders: "If a hundred years or, for that matter, twenty years ago, the right of separate elections were given to different sects of your country what sort of Government you would have had today?" Again, we ask America: "if the right of separate elections was given to different communities and Christian sects of your country, would you have had the same form of government as you now have? Would you not have had continuous civil wars in your countries?" The possibility of civil war in our country has been created by the British Government. The British Government is playing the old game. The Cabinet's Statement shows the same mentality. The interpretation given by them stresses the point that the different groups of the Indian Federation shall have full power to frame whatever constitution they liked for them. They say, as they said before, that a province will have full option to remain in a group or not; but at the same time they qualify this statement with conditions which preclude the possibility of a province using that right. You tell a province that it was free to remain in a group or not but at the same time you say that all the people of a group should join together to frame its constitution. The North-West Frontier Province will have to attach itself to the Punjab, Sind and Baluchistan, and Assam to Bengal. Their constitutions will be framed by 'B' & 'C' groups. The group consisting of Punjab, Sind and Baluchistan will frame constitutions for N.-W. F. Province, and Bengal for Assam. Is it honest? You say that a province has the right to go out of a group but you frame a constitution that precludes its going out of it. In the Cabinet Mission's Statement, it was clearly said that a province will have option to join a group. The option to go out is given at the end of the Statement. The meaning of the first part is that at the time of the formation of groups a province will have free option to be in the group or not. We understood it as such and so the Congress accepted it; but now it is said that a province has no option even at the time of formation of groups to remain out of its group nor does it have the right to frame its constitution. It will be framed by the delegates of the whole group. This means that we should accept the division of India and deliver the N.-W. F. Province and Assam into the hands of persons who openly assert that they are out to divide India into two parts. If civil war is unavoidable, let it come. We cannot be coerced to do a wrong thing by threats of civil war. It is quite possible that civil war may occur in a corner of India and we may have to fight the British, too. They threaten us with civil war; but the fact is that they are sowing the seeds of civil war among us. They wish that we should fight so that they may rule over us. I feel pained when I say these things. I have a great regard for the British people. They are far advanced in the field of politics and they are wise and freedom-loving. We have learnt many things from them. I have not a trace of hatred in my mind for them. I was happy that a new era had dawned in England, that the Government had passed to the Labour Party who would reverse the old policy. For the last hundred years the policy of the British Government had been one of selfishness and cunning towards countries, while in their own country they are very liberal and have a great regard for each other. For the benefit of

their own people they consider it expedient to coerce and exploit other people. It was expected that with the advent of this new government and the defeat of the old Tories, their policy would be entirely reversed and the foreign policy of England would be based on honesty but I am disappointed to see that some of the recent statements aimed only at creating a breach among the people of India.

I admit that the Congress had come into the Assembly by accepting the Cabinet Mission's Proposals but I want to point out that Constituent Assembly after meeting may adopt an altogether a different course. In France, people met on the invitation of King Louis. When they saw they could not do what they wanted to do, they began their own procedure. The King who had called them for granting him money, seeing their intentions, wanted to disperse them but they refused to disperse. Our Constituent Assembly has met on the invitation of the British Government but we are free to carry on the work as we please. Some of us were against the Congress participation in this Assembly. They were afraid of British tactics. The Congress, however, had full confidence in itself. My humble voice was also for coming into the Assembly I believed in the power and determination of my colleagues. The occasion was not to be lost. If we could not succeed on account of obstructions from the British Government we shall at least show the world the sort of constitution we want. Our Chairman in his speech made many good points. I was elated to hear him say that we would not subject ourselves to limitations laid down by the British Government.

In this House we cannot accept the British Government's Proposals to divide India into sections and to give the right of framing constitution for provinces into the hands of persons who are bent upon dividing India. I do not like to say these things but I feel it my duty to say that the British Government shows a lack of honesty in assertions which it makes on behalf of the Muslim League.

Somebody has rightly said that the League was the British Government's Front (*morcha*). Pandit Nehru said the other day in the Congress that the League members who had come in the Interim Government were acting as the King's Party. The fact is that the League is being duped by the British Government. They are our countrymen and our brethren and we are always prepared to come to an agreement with them. Today the British are using them as their *morcha* from behind which they are throwing arrows upon us. We know the British arrows and we have to protect ourselves. In the Constitution that we would frame, we would try to save ourselves from these arrows. In doing so, if we have to fight the British and their proteges, we are prepared to do so. We are sure we will surmount all obstacles. It is the time of our trial. When success comes nearer a host of difficulties crop up. When *yogis* begin to ascend higher in their *yogas* they are beset by apparitions, spectres and evil spirits. They threaten them and try to dupe them. We are nearer the success and many evil spirits have arisen to make us deviate from our purpose. It is our duty that we should neither fall to their machinations or should we feel afraid of them.

In framing the Constitution we should remember that whatever plans of progress we make, we should never yield to the proposal of dividing India. India should remain one. Thus, protecting our past civilization, we may proceed forward and take the greatest part in bringing peace to the world.

Mr. Chairman: The Resolution has been moved and seconded. I have received notice of a large number of amendments. I think I have got more than 40 amendments already before me and therefore I do not think it necessary

[Mr. Chairman]

to give any more time for giving notice of more amendments. I think all who wanted to put in amendments have already done so, taking into consideration the number of amendments.

It is now 1 o'clock and I think we may rise. But before we rise, I desire to point out to the House that from the next day, I may have to do the unpleasant duty of imposing some sort of time-limit on the speakers. This being the first day, I did not like to interfere and I allowed the speakers to have full time.

Tomorrow being Saturday, I would not like that the House should meet. It is not as if I am laying down a rule that we shall not meet on Saturdays. We are not meeting this Saturday for the reason that we are meeting in the Rules Committee and I want the Committee's work to be finished as soon as possible. So, to allow the Members of the Committee full time tomorrow, we are not meeting here. We meet on Monday, and on Monday we shall meet in the afternoon from 3 o'clock, not in the morning. The House stands adjourned to 3 o'clock on Monday.

The Assembly then adjourned till 3 P.M. on Monday, the 16th December, 1946.

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Volume I
No. 6



Monday
16th December
1946

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Monday, the 16th December, 1946

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Three of the Clock (afternoon), Mr. Chairman (The Hon'ble Dr. Rajendra Prasad) in the Chair.

RESOLUTION *RE*: AIMS AND OBJECTS—*contd.*

Mr. Chairman: We proceed now with the further discussion of the Resolution moved on the 13th December. The number of amendments is very large but I understand that some of them will not be moved. I call upon Dr. Jayakar to move his amendment.

The Right Hon'ble Dr. M. R. Jayakar (Bombay: General): Mr. Chairman and friends, before I move my amendment I would like to say a few words to tender my congratulations for the excellent speech which Pandit Jawahar Lal Nehru made in moving the Resolution. Its lucidity, modesty and gravity were very impressive and as I listened to it, my thoughts went back to the old days when, a few yards from here, under the guidance and the leadership of his distinguished father, we carried on legislative fights which, viewed back from the dignity of the present Assembly now, seem to be so diminutive and unreal. I always considered Pandit Motilal Nehru a very fortunate man in the sense that he had two children, each of whom has become very distinguished after his death—(*cheers*)—Pandit Jawahar Lal Nehru, the guiding soul of the present Assembly, and that distinguished lady whom we are waiting to receive after her achievement at the U. N. O. at New York.

Before I read the terms of my amendment to the Resolution I would like to remove a few misunderstandings which have arisen about its purposes. Many distinguished and loving friends have come and said to me, in all earnestness, that I ought not to move this Resolution. I would like to remove all misunderstandings about my reasons in moving this amendment. It was said that it will divide this Assembly, which is bad tactics at the present moment. When you hear my speech I hope you will agree that my motion is not intended to nor is it likely to cause a division in the sense these friends meant. Some others said that I was deliberately appeasing the Muslim League. I see no harm in that, if it is necessary for the purpose of making successful the work of this Assembly. One friend went the length of saying that I am supporting Mr. Churchill of all people in the world, the one person whom I tried to expose in my cross-examination at the Round Table Conference Committee. There is no possibility of my supporting Mr. Churchill by any means. Some friends touched me to the quick by saying that all my life, having been a champion of Hindu interests, I now propose to support and placate the Muslims. In reply I said that I saw no conflict between the two. Because I support Hindu interests it does not mean that I should trample on what I consider the just rights of another community. My real purpose in moving this amendment is to save the work of this Assembly from frustration. I fear that all the work we shall be doing here is in imminent danger of being rendered infructuous. I am anxious that the work of this Constituent Assembly should not be made futile and ineffective by our neglecting one or two difficulties which lie in our way. One friend said: 'You have been elected on the Congress ticket'. I recognise the generosity of that step and when the invitation came I accepted it at some personal inconvenience; but if the obligation of that step means that my services.

[The Right Hon'ble Dr. M. R. Jayakar]

which you have a right to demand at every step, must always take the form of popularity, then I am afraid it is not possible. I am here to render you as much co-operation and service as I can, but I cannot guarantee that such service will always be, in a form, popular with you. It may sometimes assume a painful form, *e.g.*, of asking your attention to some pitfalls and difficulties in the way.

The points which I make are two-fold, Sir. One is a purely legal point and after putting it in brief, I shall leave it to you, Sir, in the Chair and to the Constitutional Adviser whom I have known for the last 10 years as a man of great consitutional knowledge, rectitude of behaviour and stern independence. It is an advantage, if I may say so, from my place here that we have got the assistance of a person like Sir B. N. Rau and I have no doubt that the point, which I am putting before you, Sir, today will receive his best attention. I do not want to raise this as a point of order but I am now raising it as indicating a legal difficulty in our way. I have no doubt that in the time which you have at your disposal you will consider it very carefully and give such decision on it as you choose. The point which I propose to raise is that in this preliminary meeting of the Constituent Assembly at this stage no question like laying down the fundamentals of the Constitution can be considered. That the Resolution is intended to lay down the fundamentals of the Constitution, even Pandit Jawahar Lal Nehru has admitted. It is a very vital resolution and it lays down the essentials of the next Constitution. If you examine it, a cursory glance will reveal to you that the several things which are mentioned here, are fundamentals of the Constitution. For instance, it speaks of a Republic; of a Union; it talks of present boundaries, and the status of Provincial Authorities; Residuary powers, all powers being derived from the people, minorities rights, fundamental rights—all these can be accurately described as fundamentals of the Constitution. My point is that within the limits of the power which the Cabinet Mission's Statement of 16th May accords to this preliminary meeting, it cannot validly lay down any fundamentals, however sketchy they may be, of the Constitution. That must wait until after we meet in the Sections and the Provincial Constitutions have been prepared. At that stage, the two other partners, the Muslim League and Indian States, are expected to be present. At our present preliminary meeting our work is cut out and limited by express terms which I shall presently read out to you and those express terms do not include the preparation or acceptance of the fundamentals of the Constitution which must await until we reach that stage which I have just mentioned. We are no doubt a sovereign body as you, Sir, very rightly remarked but we are sovereign within the limitations of the Paper by which we have been created. We cannot go outside those limitations except by agreement and the two other parties being absent, no agreement can be thought of. Therefore, we are bound by those limitations. Of course, if the idea of some people is to ignore those limitations altogether and convert this Constituent Assembly into a force for gaining political power, irrespective of the limitations of this Paper, to seize power and thereby create a revolution in the country, that is outside the present plan, and I have nothing to say about it. But as the Congress has accepted this Paper in its entirety, it is bound by the limitations of that Paper. If you will just permit me a few minutes to read to you the relevant parts of the Paper . . . . .

Mr. Kiran Sankar Roy (Bengal: General): Mr. Chairman, on a point of order. I would like to know whether Dr. Jayakar is raising a point of order or moving his amendment. If he is raising a point of order, we feel, Sir, that that point of order should be disposed of first before he can proceed to move his amendment.

Mr. Chairman: I think Dr. Jayakar has said that he is not raising a point of order, but he is pointing out the difficulties in the way of accepting this

Resolution, and I take it that he is proceeding in that way. As I understand it, he is not raising a point of order.

Dr. B. Pattabhi Sitaramayya (Madras: General): May I take it, Sir, that this is a motion for adjournment of the consideration of the Resolution, as I make it out to be?

Mr. Chairman: I don't think it is a motion for adjournment either. He wants the Resolution to be discussed, but wishes to place before the House his own point of view with regard to the advisability or otherwise of the Resolution at this stage, and in doing so he points out certain difficulties in the way of accepting it.

Dr. B. Pattabhi Sitaramayya: May I respectfully suggest that he does not want us to proceed with the consideration of this subject. It is clear from the wording of his amendment. I invite your attention to the wording, Sir.

Shri Mohan Lal Saksena (United Provinces: General): On a point of order. Under the Assembly rules, the mover of an amendment has to move his amendment before he makes his speech. I would suggest that Dr. Jayakar should be asked to move his amendment before he goes on to make his speech.

The Right Hon'ble Dr. M. R. Jayakar: Well, I will read the amendment. I wanted to save your time by a few minutes. This is the amendment:

> "This Assembly declares its firm and solemn resolve that the Constitution to be prepared by this Assembly for the future governance of India shall be for a free and democratic Sovereign State; but with a view to securing, in the shaping of such a constitution, the co-operation of the Muslim League and the Indian States, and thereby intensifying the firmness of this resolve, this Assembly postpones the further consideration of this question to a later date, to enable the representatives of these two bodies to participate, if they so choose, in the deliberations of this Assembly."

In substance, my amendment means that the further consideration of this Resolution should be postponed to a later stage,—the stage of Union constitution-making at which, I take it, the Indian States and the Muslim League are expected to be present. I am not raising this as a point of order, but I am raising it as a difficulty which we have to get over before we proceed to a consideration of this question, and this is an argument for the purpose of postponing the further discussion of this question. I am merely pointing out the legal difficulty in the way of this Constituent Assembly adopting this Resolution at this preliminary meeting. Therefore the point I am making is that our power to transact our business at this stage of a preliminary meeting is limited. It is limited by express words and those limitations being accepted by us, this Assembly has no power at this stage to adopt any fundamentals of the Constitution. I would invite your attention, Sir, to a few paragraphs in the State Paper. I shall begin with Clause 19. Sub-clause (i) mentions the way the representatives of the several bodies are to be elected. Then follows Sections 'A', 'B' and 'C'. Then comes the note about Chief Commissioners' Provinces, etc. I shall leave that out. Then comes sub-clause (ii) which relates to the States. Then comes sub-clause (iii) which says that "representatives thus chosen", *i.e.*, the Hindus, Muslims and the Negotiating Committee for the States, (I will leave the Negotiating Committee out for the moment) "shall meet at New Delhi as soon as possible". We have met. Then comes the preliminary meeting which is the meeting we are holding today. That it is a preliminary meeting cannot be disputed. In this connection, I may ask your attention to the letter of invitation, dated the 20th of November, which you received from the Viceroy to attend here this meeting. There it is described as the "first" meeting. Therefore this is the preliminary meeting mentioned in sub-clause (iv). Then let us see what this preliminary meeting is entitled to do:

> "A preliminary meeting will be held at which (1) the general order of business will be decided (2) a Chairman and other Officers elected and (3) an Advisory Committee

[The Right Hon'ble Dr. M. R. Jayakar]

(see paragraph 20 below) on rights of citizens, minorities and tribal and excluded areas set up. . . . . ."

I understand that this is soon going to be done. Apart from this, there is not a word there about passing either the essentials or the fundamentals or even a sketchy outline of any constitution.

Sri K. Santhanam (Madras: General): On a point of order, Sir. If the Hon'ble Member's argument is correct, the first sentence of his amendment is as much not within the power of this Assembly as the original Resolution by Pandit Jawahar Lal Nehru.

The Right Hon'ble Dr. M. R. Jayakar: I think having regard to the difficulty which one finds in hearing from a distance, it will be more convenient if after my speech is ended all objections to it may be raised by members walking up to this rostrum. It will be more easy to hear them at that time and nothing is going to happen in the meantime. I am not going to engage you very long. Whatever objections you may have to urge against my speech, they may be presented by members coming here and I shall then reply to them if I am given a chance, instead of members now interfering. Therefore, my submission, right or wrong, is that the powers of the preliminary meeting are limited to these steps.

Mr. Chairman: Order, order. What is your point of order, Mr. Santhanam?

Sri K. Santhanam: My point of order is that if the Hon'ble Member's argument is correct, then the first sentence of his amendment is outside the powers of this meeting of the Assembly.

Mr. Chairman: Mr. Santhanam says that the first sentence of your amendment (turning to Dr. Jayakar), according to your own argument, is out of order.

The Right Hon'ble Dr. M. R. Jayakar: If that is your view, it can be deleted. I am willing to do so. I do not want to waste the time of the House in arguing against this view. I am prepared to delete that portion if necessary and let the remaining portion stand. It is sufficient for my present purpose.

Dr. B. Pattabhi Sataramayya: That is why I submitted at the very outset that this was a motion for postponing the consideration of the Resolution.

Mr. Chairman: That really creates a difficulty—it is the first part of your amendment which makes it an amendment by bringing it within the four corners of the Statement. If your argument is correct, and if that is omitted, then the result is that your amendment becomes only a motion for adjournment.

The Right Hon'ble Dr. M. R. Jayakar: Supposing for a moment that you treat this as a motion for adjournment, can I not move it at this stage? It is a motion which should be taken up before any other amendment on merits is considered. Therefore, even supposing you treat it as a motion for adjournment, I can urge it now.

Mr. Chairman: I seek the assistance of Members of this House on this point. The difficulty is that, if Dr. Jayakar's argument is correct on the legal point, the Resolution moved by Pandit Jawahar Lal Nehru is out of order. This question should have been raised at the time when the Resolution was moved. But at this stage I do not think that that point of order can be raised. Therefore, we take both the amendment and the Resolution as being in order, and we proceed with the discussion.

The Right Hon'ble Dr. M. R. Jayakar: Then can I urge this as a legal question?

Mr. Chairman: I think this legal question would not arise. You put it on merits.

The Right Hon'ble Dr. M. R. Jayakar: I was mentioning to you, Sir, that at this stage the fundamentals of the Constitution cannot be considered or adopted. I will read out to you a few clauses more. Clause (v) says:

> "These sections shall proceed to settle provincial constitutions for the provinces included in each section. . . . . ."

I understand these will meet in March or April next. I leave the other irrelevant portions. Then comes clause (vi)—which relates to the stage at which questions relating to the Constitution can be settled.

> "The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution."

That is the stage at which the fundamentals of the Constitution can be settled, because at that stage the States and the Congress and the Muslim League will all be present. This is so because the Scheme considers it necessary that all these three elements should have a chance of having their say on matters relating to the Constitution. That stage has not been reached yet. Therefore, my submission is, that this question at the present time cannot be considered or finally decided. I am however suggesting a way out of the difficulty if you like to adopt it.

Mr. N. V. Gadgil (Bombay: General): There is no prohibition in clause (iv).

The Right Hon'ble Dr. M. R. Jayakar: That is implied there. If you take clauses (iv) and (vi), the meaning is clear that the preliminary meeting shall be concerned only with a few things and the settling of the constitution shall be postponed till we come to clause (vi). Otherwise clause (vi) becomes absolutely redundant and is in conflict. Therefore, taking the two clauses together, it is clear that what is intended to be done at the stage of clause (iv), is clearly and expressly mentioned in that clause. All that concerns the Union constitution either by way of an elaborate settlement or a sketchy outline of the fundamentals—all that must wait till the stage in clause (vi) is reached.

Now I come to clause (vii) which throws more light on this question. It provides that if any major communal issue arises, it will be dealt with as provided in that clause. There is no party here who is likely to raise the question of a major communal issue. Therefore, if you look back on clause (vii), its sense is clear in the way I have mentioned. This is my brief submission on the law point.

Apart from this legal point I want to urge before you a few considerations of practical expediency for postponing the consideration of this question to a later stage. As a way out of this difficulty I suggest that the Resolution, having been discussed during all this time and the object of public ventilation being served, this Assembly should not vote on it for the present but defer its consideration to the stage mentioned in clause (vi) so that when deliberating on it afresh at that time with the view of taking a final vote on it, there may be present here, to take part in such deliberations, the representatives of the two parties who are absent here now. I suggest this as an alternative course, to meet the difficulty.

Mr. R. K. Sidhwa (C. P. and Berar: General): I rise to a point of order, Sir. Dr. Jayakar's amendment says:

> ". . . . this Assembly postpones the further consideration of this question to a later date, to enable the representatives of these two bodies (Indian States and Muslim League) to participate, if they so choose, in the deliberations of this Assembly."

He has quoted clause (ii) of paragraph 19. That clause says:

> "It is the intention that the States would be given in the final Constituent Assembly appropriate representation. . . . ."

That stage has not been reached, and therefore, raising an objection that the Indian States are not represented here now cannot hold water. Again, if you further see.....

Mr. Chairman: That is not a point of order. That is an argument against what has been said.

The Right Hon'ble Dr. M. R. Jayakar: May I proceed, Sir?

Mr. Chairman: Yes.

The Right Hon'ble Dr. M. R. Jayakar: The plea which I am urging is this: This Constituent Assembly, as it is formed today, is not complete. Two persons are absent: The Indian States for no fault of theirs, because they cannot come in at this stage; that is the true position. The Negotiating Committee has been formed by the States, but we have not yet formed our Negotiating Committee. When we have done so, the two Committees will meet; that is the stage at which the States can come in according to the terms of this Document. As for the Muslim League, the position is different and the difference is very great.

The Muslim League has recently obtained three or four important concessions. Whether it is by superior strategy or any other means, it is not for me to say here. They have got three or four important points in their favour.

There are two points for interpretation, one is about voting and the other is about grouping into Sections. I understand that that question is going to be referred to the Federal Court. As an *ex*-Judge of the Federal Court and a sitting Member of the Superior Tribunal, namely, the Judicial Committee of the Privy Council, I recognise the necessity of not saying anything more about the proposed reference to the Federal Court or whether it is right and proper. I will only say that I wish you good luck. I congratulate you that you will have on your side the services of one of the ablest constitutional lawyers you can engage for your purpose, namely, my friend, Sir Alladi Krishnaswami Ayyar. Beyond that I do not want to say anything about the reference to Federal Court. But it is clear that, although you may go to the Federal Court for getting the interpretation, *viz.*, relating to grouping and voting, you cannot go to the Federal Court on the last point gained by the Muslim League, *viz.*, the provision that if a large section of people is not represented at the constitution-making, His Majesty's Government will not be willing to force such a constitution upon unwilling parts of the country. That is not a question of interpretation. It is a fresh concession which has been given to the Muslim League by way of addition to the Statement of May 16. I do not think that you can refer that point to the Federal Court. It is a substantive point which has been conceded to the Muslim League, *viz.*, that, contrary to the Statement of Mr. Attlee, the Prime Minister, on 15th March this year, in the House of Commons, to the effect that though minorities will be protected, they will not be allowed to veto the progress of the majority. That was the position enunciated by no less a person than the Prime Minister in March 1946. That is gone. Now the position is very different indeed.

The Hon'ble Sardar Vallabhbhai J. Patel (Bombay: General): May I know, Sir, if the Right Hon'ble Gentleman is interpreting here the policy laid down by His Majesty's Government? All those so-called concessions, which the Right Hon'ble Gentleman is referring to, are in addition to or over and above the Statement made in the White Paper. We have not accepted them and this House is not going to accept any addition, or alteration in the Document of May 16th. (*Applause*).

The Right Hon'ble Dr. M. R. Jayakar: I am only pointing out the difficulties in your way. I am not asking you to admit any addition. I am pointing out the advantage, freshly found by the Muslim League, which creates a great difficulty in your way and the necessity for holding up matters until the Muslim League comes in. On that point, my remarks are quite relevant. If the Hon'ble Sardar Patel thinks that any addition like this will be rejected by the Congress, they are welcome to do so.

Now, Sir, what does it mean? What follows from it if a community like the Muslim community is not represented here at the constitution-making. The words 'unwilling parts of the country' have also been interpreted by Sir Stafford Cripps. He says that the words mean any part of India where the Muslims are in a majority. On such parts, if they are unwilling, the constitution which you may frame in the absence of the Muslim community, will not be forced. The words used are "unwilling parts of the country". Whether any other community can take advantage of this provision, I do not know. That is a matter that may have to be cleared up. But this much is certain, and it was so expressly stated by Sir Stafford Cripps in the debate in the House of Commons. That those parts of the country where Muslims are in a majority, will not be forced to accept a constitution at the making of which they are not represented. Mark the words: "they are not represented", *i.e.*, they are not present.

Now, this particular addition has been hailed with delight in England by certain schools of thought. Mr. Churchill calls it 'an important milestone in the long journey'. Whether it is an important milestone or a dangerous milestone, we are not concerned with. The fact is there that the Muslims have secured this right at the present moment.

So, the position is this that, if they choose to remain absent from your deliberations for whatever reasons, they can make your work futile and fruitless. All your efforts will fail to bind them. Whatever constitution you may frame in their absence here will be binding upon perhaps willing portion like Section 'A'; I am very doubtful whether it will affect Sections 'B' and 'C'. The result is that whatever you may do in the way of providing a constitution for the whole of India here and now, as this Resolution proposes, if you accept it today in the absence of the Muslim League, your effort is not going to bind the Muslim League at all. That raises the question whether it will not be wise, merely as a means of saving your trouble and labour, to postpone to a future date, the further consideration of these constitutional points. To put it at the lowest, it will save labour.

If you look at the constitution suggested in the Resolution, there are points in it with which the States and the Muslims are most intimately concerned. You speak of a Republic. I personally have no objection.

Dr. Suresh Chandra Banerjee (Bengal: General): On a point of information, Sir. If the Muslims do not come at all, how long are we to wait? How long are we to sit quiet? They could have come in. They have not come of their own accord.

The Right Hon'ble Dr. M. R. Jayakar: That is not a point of order.

Dr. Suresh Chandra Banerjee: That information should be given by Dr. Jayakar.

The Chairman: That is an argument which the Hon'ble Member may advance when his turn comes.

The Right Hon'ble Dr. M. R. Jayakar: If the Hon'ble member had not interrupted me and had waited for a little while, I would have given an answer to the query.

Sir, the result is that merely by adopting the simple device of not being present here, the Muslim League can make the whole of your work useless. What does it mean? It means further that if the Muslim League does not come in, the States may not come in. They have made it clear more than once. And, in the House of Commons, it was stated clearly that the States might not deal with a Constituent Assembly which is composed of one party only. Therefore it is clear that if the Muslim League chooses to remain absent, and we provoke it by our action to do so, the States may not come in.

The Hon'ble Pandit Govind Ballabh Pant (United Provinces: General): How is it the Right Hon'ble Member said that it was made abundantly clear in the House of Commons that if the Muslim League did not come in, the States will not join the Constituent Assembly?

The Right Hon'ble Dr. M. R. Jayakar: Yes.

The Hon'ble Pandit Govind Ballabh Pant: I differ from the Right Hon'ble Gentleman in the interpretation of what was said there.

The Right Hon'ble Dr. M. R. Jayakar: I place my interpretation on that, and the Hon'ble Member is free to place his interpretation on that.

The Hon'ble Pandit Govind Ballabh Pant: Dr. Jayakar has no right to represent the States' view here unless the States representatives or the Negotiating Committee make the position clear.

The Right Hon'ble Dr. M. R. Jayakar: I am not stating the view of the States. I am stating what was stated in the House of Commons. If the Muslim League does not come in, the State may not come in. The States may not conceivably like to deal with a Constituent Assembly which is composed of one party only. If so what will be the result? (Interruption).

Mr. Chairman: I think it will be better if we allow Dr. Jayakar to continue.

The Right Hon'ble Dr. M. R. Jayakar: Won't you allow me to go my own way for about 20 minutes? The whole of this week, I understand, is going to be at your disposal to pick holes in my speech.

The Hon'ble Pandit Govind Ballabh Pant: We will have something more to do than pick holes in your speech.

The Right Hon'ble Dr. M. R. Jayakar: If the Muslim League does not come in, then in all probability the States will not come in. What happens? Probably you will frame a constitution for Section 'A'. Perhaps you will be framing a constitution for a Union Centre for the Provinces in Section 'A'. You may like to have a Union Centre for those Provinces. It is certain however that you will be unable to frame a constitution for Section 'B', the majority there being of the Muslim League. The result will be that there will have to be another Constituent Assembly, as Mr. Jinnah is wanting, for the purpose of framing a constitution for Setcions 'B' and 'C'. Whether the minorities in those Sections can take advantage of the formula that unwilling parts will not be forced to accept the constitution, whether the Hindus and the Sikhs of the Punjab and the Hindus of Bengal and Assam can take advantage of that provision, I do not know. I can express no opinion on that. It may be that they will be able to take advantage of the principle of this dictum and say, "We had no hand in framing this constitution. Therefore that constitution should not be forced on us." That is a possibility. This much however is certain that our endeavour to frame a constitution for the whole of India as a Union will be defeated. The possible result of that will be that there may be one constitution for Hindus and another constitution for the Muslims and if this happens, there will be a third constitution for the States, and instead of having one United India, we may be forced to the necessity of having a Hindustan constitution, a mild, abbreviated, or qualified Pakistan constitution and a Rajasthan constitution also. Your Union at the Centre will go. It will not be established. At present you have got at least this advantage that even though some form of Pakistan will be established in Sections 'B' and 'C', you have got a Union Centre, attenuated though it may be. Therefore the obvious necessity of the present occasion is that every effort ought to be made to invite the Muslims to come in here, and we should not make it more difficult. This is mainly because our work has to bear fruit. I admire in this behalf the sentiments expressed by Pandit Jawahar Lal Nehru in moving the Resolution. He said in effect that we seek the co-operation of the Muslims.

We must continue to make an endeavour, though, in the past, our efforts did not evoke enough response. I do not think that my plea can be put in better words. It is clear that you can not do any constitution-making at least till April next. Therefore, where is the harm in deferring the further consideration of this Resolution for a few weeks more until at least you know that the Muslim League, by a formal resolution, has declared its intention not to come in. They must declare their intention during the next few weeks. I read the statement of Sir Stafford Cripps in the parliamentary debate that it was understood that, when Mr. Jinnah went back to India, if the Congress accepted the Statement of 6th December, he would call a meeting of the Muslim League and decide on this question. That was a statement made on the floor of the House of Commons. After you know that by an authoritative formal resolution, the Muslim League has decided not to come in, you can then decide what to do. One hurdle would have been crossed; but I am not disposed to take it for granted that the Muslim League will not come in. It is not practical politics. A friend came to me this morning and said: "Until yesterday, Dr. Jayakar, I was entirely in favour of your Resolution, but Mr. Jinnah's Press Conference in London has made the whole difference." I said, "What difference has it made?" He said, "Mr. Jinnah has now stated that he will never come into this Constituent Assembly." I do not think that Mr. Jinnah has made such a statement, and even if so made, I am not disposed to take that statement as the final, authoritative, deliberate, formal decision of the Muslim League. What is the harm in postponing the final vote on this Resolution till then? You are not in any event going to do anything substantial at least until the 20th January, that is four weeks from now. At least till then you should keep the way clear for the Muslim League to come in and take part in the proceedings. One answer to my plea is, "We are not doing anything to which the Muslim League can legitimately object." That does not touch my point. It is not a question of doing anything to which the Muslim League does not object. It is a question of giving it the right and the opportunity to be present here during the deliberations on this Resolution. That is what I am trying to obtain. Then it is said that there is nothing here which is contrary to the White Paper. That again does not touch my point. My object is to save the work of this Constituent Assembly from becoming infructuous. Wait, go slow. A few weeks are not going to make any substantial difference. It is not going to cause any great harm if you, instead of passing this Resolution in the present session, deferred it to a few weeks hence. The fact is that you are going to adjourn till the end of January but you will not do so, not in compliance with the terms of my amendment. That is a significant fact. Why don't you wait for a little while and thereby make it less difficult for the Muslim League to come in. I am told what is the grievance. The Muslim League can come in later after we pass this Resolution. My reply is that it is their right to be present at these deliberations, and to make their contribution. Please remember that the Muslim League leader has already raised the grievance in his Press Conference in London. "I do not want to be presented with a *fait accompli*," he complains. Will you now give him the opportunity of justly complaining that an important and vital question, like laying down the fundamentals of the Constitution, has been finished in his absence, knowing that he was likely to come in? Are you not thereby making it more difficult for the Muslim League to come into the Constituent Assembly? What I am urging on your attention is this: that as you are doing a good deal of what my amendment wants you to do, what is the harm in accepting my amendment? I say, "go slow". What is the harm? Do you wish to say we shall go slow, but not in compliance with your amendment *i.e.*, not for enabling the Muslim League to come in? That is hardly dignified. It looks so petty. It will be a graceful gesture, if you say 'we are postponing because we wish to give the Muslim League a chance of coming in, so that this question may be discussed

[The Right Hon'ble Dr. M. R. Jayakar]

and finally adopted in their presence'. This is the position, Sir, as Pandit Jawahar Lal Nehru said, there is great need of the spirit of co-operation and accommodation at the present time, having regard to the great difficulties through which we are passing. I have explained to you the difficulties and also the danger of this work becoming fruitless. In the light of that possibility and danger, I would urge, with all the words at my command, that the words of Pandit Jawahar Lal Nehru ought to be translated into action. We seek Muslim co-operation, we go out of our way to seek it by postponing this Resolution. Sir, miles away from here is working that solitary figure, whose steps we claim to follow, the great Mahatma;—alone, stinted of sleep, stinted in food and stinted in health, grieved and solitary, he is trying to win the Muslim community by friendly co-operation and goodwill. Why can we not follow his example here? Sir, if I may say so, I am glad you are here to preside over the deliberations of this august Assembly, and from what I have known of you all these years, your great capacity for goodwill, your gentleness, your spirit of accommodation and your ability to see the opposite point of view, having regard to all these virtues, I think, it is very significant that at this time you are in the Chair and my effort is for establishing that atmosphere in which your efforts, with your particular gift of fascination, can best thrive. Therefore, I am making this plea that we should defer the consideration of this Resolution so that you will have the chance of obtaining Muslim co-operation. But it is said we will alter the Resolution when they come in. It is neither wise nor easy to alter deliberately-adopted Resolution. The substance of my plea is to allow the Muslim League an opportunity to take part in the deliberations, sit by your side, make speeches not *ex post facto*, but before and during the passing of this Resolution. That is real co-operation and not asking them after they want to come in and accept what you have done.

From this view I fear many of you will differ. I was warned, "you are making yourself extremely unpopular." But I said to my friend, "unpopularity has been my guerdon since my childhood." I have passed through many unpopularities. When I helped to start the Swaraj Party, I was unpopular. When I started the Responsive Co-operation Party, I was unpopular. When I went to the Indian Round Table Conference in London, I was unpopular. When I joined in passing the 1935 Act, I was unpopular—that piece of legislation which you, very thoughtlessly in my opinion, turned down. Having done that you are now borrowing, out of that detested legislation, four important features, a Federation, an attenuated Centre, Autonomous Provinces and lastly residuary powers in Provinces. May I say, however, that my unpopularities have, with lapse of time, swollen into bulky majorities. Unpopularity does not therefore frighten me at my age and with my experience. My duty is to tell you that the course you propose to adopt is wrong, it is illegal, it is premature, it is disastrous, it is dangerous. It will lead you into trouble. As I am elected on your ticket, I am bound to tell you frankly that there is danger ahead, danger of frustration, danger of discord and division, which it is our duty to avoid. Sir, I have done.

Mr. Chairman: Sir Hari Singh Gour has given notice of an amendment. This appears to me to be out of order, but before ruling so, I would ask Sir Hari Singh Gour to point out how it becomes relevant. The amendment is this:

"That in the said Resolution for the words:

"This Assembly postpones the further consideration of this question to a later date to enable the representatives of these two bodies to participate, if they so choose in the deliberations of this Assembly."

The following words be substituted:

"This Assembly is of the opinion that the demand made by the Muslim League is suicidal in view of the history of Pakistan elsewhere and that it is in the interests of the Mussalmans and the other communities to constitute joint electorate

reserving for the minority communities their equality of status for the next five years and providing a further safeguard that no member of one community shall be deemed to have been duly elected unless be holds a certain percentage of the votes of the other community."

It may seem that this amendment goes much beyond what is contained in either the original Resolution or the amendment of Dr. Jayakar. I am therefore inclined to say, it will not be in order, but I am not giving my ruling at this stage. I will ask him to point out how it is in order.

Dr. Sir Hari Singh Gour (C. P. and Berar: General): Mr. Chairman. The point that at present I am called upon to reply to, is the question of my amendment to the Hon'ble Dr. Jayakar's amendment being in order. I wish to submit that if Dr. Jayakar's amendment is in order, my amendment to that amendment is in order. It must be assumed that that I have not done anything more than pointing out the legality or orderliness of that amendment. I have always been feeling that if Dr. Jayakar wants the whole thing to be shelved, it cannot possibly come in as an amendment. An amendment means correction. The Hon'ble Dr. Jayakar's amendment therefore means that the Hon'ble Pandit Nehru's original Resolution should be passed as corrected by him. That may mean an amendment. If you wish to completely obliterate the main Resolution and want that there should be no further discussion for an indeterminate period, I fail to understand what Dr. Jayakar is trying to amend. He had better amend his own amendment first. I assume that amendment may go through and therefore I have given notice of my amendment. But, Mr. Chairman, you will further find that with some mental reservation about the legality of his amendment and mine, I have supplemented it by giving notice of another amendment to the original Resolution, which substantially reproduces the terms of my present amendment. Now, briefly stated, my case is this. If this amendment of the Hon'ble Dr. Jayakar is in order and is to be discussed, I am entitled to correct it. If on the other hand, that amendment is ruled out of order, I do not wish to move my amendment. In that case I would move the second amendment of which I have given notice.

Mr. Chairman: We shall deal with the second amendment when the time comes.

The amendment of Dr. Hari Singh Gour would make the Resolution as a whole read as follows:

"This Assembly declares its firm and solemn resolve that the Constitution to be prepared by this Assembly for the future governance of India, shall be for a free and democratic Sovereign State; but with a view to securing, in shaping such a constitution, the co-operation of the Muslim League and the Indian States, and thereby intensifying the firmness of this resolve, this Assembly is of opinion that the demand made by the Muslim League is suicidal in view of the history of Pakistan elsewhere and that it is in the interests of the Muslims and other communities to constitute a joint electorate reserving to the minority communities a particular quota of seats for the next five years, providing a further safeguard that no member of one community shall be deemed to have been duly elected unless he polled a certain percentage of the votes of the other community."

I am afraid Dr. Hari Singh Gour has not been able to connect the two parts of the Resolution, and it is out of order.

I propose to ask the Members who have given notice of amendments one after another to move them if in order. The Resolution and amendments may be discussed together. I think that will save time.

Dr. B. Pattabhi Sitaramayya: The Hon'ble Dr. Jayakar's amendment being in the nature of an adjournment motion of the consideration of the Resolution, it should gain priority both in discussion and in decision over the other amendments which are amendments of a substantive nature to the proposition.

Diwan Chaman Lall (Punjab: General): Dr. Jayakar's amendment is also a substantive one. It is not a procedural one. It also speaks of democracy,

[Diwan Chaman Lall]
eliminating the word Republic and although it says that further consideration may be postponed, it cannot be considered merely as a procedural amendment.

Mr. Chairman: We have treated it as an amendment. The next amendment of which notice is given is by Mr. Somnath Lahiri. With regard to that amendment also, my view, as at present advised, is that it is not in order. I will ask him to show how it is in order.

Mr. Somnath Lahiri (Bengal: General): Mr. Chairman, the original Resolution, to which mine is an amendment, resolves the aim of the Constituent Assembly to declare India as an Independent Sovereign Republic. My amendment would be considered an amendment for the very simple reason that it deals with the same subject and it does not go contrary to the main idea of the original Resolution. It is always within the scope of an amendment to extend the scope of the original Resolution.

Mr. Chairman: The objection that was taken to your amendment is that it lays down certain action to be taken that is not in the main Resolution. For instance, it wants to declare a Republic here and now. It calls upon the Interim Government to act in a particular way and there are several other matters of this character. It is a resolution which directs action to be taken here and now and in that sense it is suggested that it is out of order.

Mr. Somnath Lahiri: I think that if in furtherance of the objects of that Resolution, some action is suggested, that certainly is within the scope of the amendment. For instance, you have allowed in Dr. Jayakar's resolution certain things about the Muslim League and other things which are not contained in the original Resolution moved by the Hon'ble Pandit Jawahar Lal Nehru. Just because he thinks that the Muslim League and others should be given an opportunity to come in, action to the extent of postponing this Assembly should be taken; and he has suggested his amendment and you have agreed that it is quite in order. Just as postponing is a kind of action, any other thing which may be suggested is also certainly in order. If I may remind you, Sir, of an incident in 1939, when you were the President of Congress, at the time of the declaration of War, a resolution came up at the A.-I.C.C., where Pandit Jawahar Lal Nehru moved a resolution asking the British to declare their war aims, and laid down certain conditions as a basis of co-operation, on which we could co-operate in the war. I remember myself having moved an amendment which said that we must prepare the country for a struggle and I remember that you, as Chairman, said it was quite in order although the Hon'ble Pandit Jawahar Lal Nehru pointed out that the intention of the amendment was just contrary to what was conveyed in the original resolution.

An Hon'ble Member: Is it a reported case?

Mr. Chairman: I am afraid that cannot go in as a precedent. (*Laughter*).

Mr. Somnath Lahiri: This is my submission. If in spite of this you think that it should be ruled out of order, then I may be given an opportunity to speak on the main Resolution so that I can express my views.

Mr. Chairman: I think the amendment is out of order. I would give you an opportunity to speak on the main Resolution later.

I have received intimation that a number of the amendments, of which notice had been given by the members, have been withdrawn. I will only call upon those members who have not expressed such desire to move their amendments if they wish to. So, the next amendment which has not been withdrawn is that of Rai Bahadur Syamanandan Sahaya, who may please come forward to move his amendment if he so wishes.

Rai Bahadur Syamanandan Sahaya (Bihar: General): Mr. Chairman, Sir, I move:

"That for the 1st and the 2nd paras. of the Resolution the following be substituted :—

'This Constituent Assembly declares its firm and solemn resolve to constitute India, within the shortest time, into an Independent Sovereign Republic, comprising initially of—

(a) The territories that now form British India, and as soon as possible, also of—

(b) The territories that now form the Indian States,

(c) Such other parts of India as are outside British India and Indian States, and

(d) Such other territories as are willing to join the Independent Sovereign Republic of India,

and further resolves that a constitution for the future governance be framed and laid down'."

It is not, Sir, without a certain amount of diffidence that I stand here to move my amendment. After the great and magnificent speech of the Hon'ble the Mover of this Resolution it took me a great deal of thought and vacillation before I decided to send in this amendment especially because I thought my amendment perhaps achieved the objective which the Hon'ble the Mover had rather than stand in the way of it. I have an apprehension that perhaps attempts might be made by interested parties to isolate those of us who constitute the Constituent Assembly to-day but whatever happens, it is my desire—my extreme desire, as I know it is the desire of every one assembled here—that this Constituent Assembly shall proceed with its task. The Hon'ble Dr. Jayakar in his speech made references to several difficulties. One of the difficulties pointed out, was that we have to work under the limitations laid down by the Cabinet Mission. I am no where near him in the matter of knowledge of constitutional law but I heard the Chairman of this Constituent Assembly saying in his speech that although there may be limitations placed on the Constituent Assembly, it has the inherent right of getting over them. I have based part of my amendment on this consideration. I will now try to point out, Sir, the difference between the original Resolution and the amendment as I have put it, for it will be necessary to explain why is it that I have introduced certain changes in the Resolution. In the first place, I have altered the word 'proclaim' into 'constitute'. I shall give my reason for doing so at a later stage and I would point out now only what the difference is between the Resolution and the amendment. Then I have omitted the word 'Union'. I have introduced the words "within the shortest time" and I have said that the Constitution should not only be framed but should be laid down. These are some salient points of difference between the Resolution as proposed and my amendment. I have read the Resolution carefully and I had, on one occasion, an opportunity of placing my views to a certain extent before the Hon'ble the Mover of the Resolution, who agreed that the wording of the Resolution at certain places looked archaic. Perhaps in laying down a law or framing a constitution, it is necessary to use terms which were used 100 years before either by the framers of the American Constitution or the constitutions of other countries but I think, in our case, it might be more useful and more helpful to be precise and to state our view-point clearly in unambiguous and in easily understandable language rather than use words only because they were used in previous constitutions. I will now try to explain the reasons for the changes, I propose, I think the word "proclaim" is not exactly what you would like this Constituent Assembly to do. Proclamation of independence, I suppose, has been made on other occasions before this. It is now our duty to actually constitute the State into an Independent Sovereign Republic and therefore I introduced the word "constitute" instead of the word "proclaim". I have also, Sir, left out the word "Union". I believe that India is India. It needs no Union. It has got a providential Union, and I would not like

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even to reiterate it now as it might be interpreted that the Union of India was still to be achieved. It is quite another matter that for the time being, we may be able to enforce the Constitution we frame on only a part of India. But we look forward at the earliest possible moment to introduce it on other parts also. As such I would, if it were left to me, stick to India as such and not introduce the word "Union"—where the word "Union" has been used in other countries there has been good reason for using that term. Here, I suppose we would be better advised to leave out the word "Union". Then, as I said, I have used the words "frame and lay down". I have heard it said in this House before that the Constituent Assembly has got the sanction behind it to enforce the Constitution that it frames. I have also read carefully the Declaration of May 16. It does not in any way state that the Constitution that is passed here will require the sanction of the British Parliament. The two essential conditions laid down are that a treaty will be entered into between England and India and that the minorities will be protected. I take it, therefore, that we assembled here, have not merely the right and the power to frame a constitution, but also to lay down the Constitution and enforce it. That is why I have omitted the word "draw up" and used in its place the words "frame and lay down".

The other important change, Sir, which I have made in the amendment is that I have tried to specify different stages when the Constitution will come into force on the whole of India. Even in the original Resolution, I may point out, there are certain territories envisaged which perhaps might come into the Union at a very late stage. I refer, Sir, to the two territories described as territories outside both British India and Indian States, and such other territories as might like to join the Union. Now these two parts of the Union surely are not going to come in now and here. Therefore different stages of the formation of the complete Union have been envisaged even in the original Resolution and I have tried in my amendment to clarify that the Independent Sovereign Republic will comprise initially of the territories that now form British India, and, as soon as possible, also of the territories that form the Indian States. My whole purpose in moving this amendment is, as I said before, to see that in framing the first Resolution we should so word it that it may not have to be altered at any stage. After all, it is the first act of this Assembly and no one would like, that circumstances developing later on, might require the Resolution to be altered. An Independent Sovereign Republic for the territories that form British India has been accepted in the past by the majority elements constituting that territory. There may be difficulties pointed out by others. We shall probably have to take note of those difficulties and try to solve them. I therefore, introduced in the Resolution stages by which we could form the Independent Sovereign Republic ultimately in its entirety. But even if we may not be able to secure the association of people whose association we definitely seek and are anxious to secure, even then the march to independence will not be hindered and we shall not have to wait for all the territories to agree before the Constitution can be laid down. These, Sir, are the reasons which led me to move this amendment. I am very sorry that the Hon'ble the Mover of the Resolution is not here today. As a matter of fact my desire entirely was to bring to his attention the points which I had in mind and to request him to consider whether it might be possible to accept the amendments or portions of it that might not be in conflict with the original idea which he advocated.

Mr. Chairman: The next amendment which has not been formally withdrawn and of which notice has been given is by Shri Govind Malaviya. He is absent, but I have his authority—he has told me himself—that he would not like to move his amendment. So I take it that is also withdrawn.

Then, there is another amendment by Rai Bahadur Syamanandan Sahaya.

Rai Bahadur Syamanandan Sahaya: The second amendment, Sir, which stands in my name is that in para. 4 of the Resolution, the following words be omitted;

"of the Sovereign Independent India, its constituent parts and organs of Government."

The original Resolution reads as follows:.....

Professor N. G. Ranga (Madras: General): Is a member entitled to speak more than once on the same Resolution? When he has got two or three amendments, let him move the whole lot of them and make one speech.

Rai Bahadur Syamanandan Sahaya: The amendments have been recorded according to the several paragraphs of the Resolution.

Mr. Chairman: He has got one other amendment in his name. He may move both of them.

Rai Bahadur Syamanandan Sahaya: The other amendment, Sir, is as follows:

"That in para. 5 of the Resolution the words 'of protection under the law' be substituted for the words 'before the law'."

I shall not move this.

Now, Sir, my reason for bringing this amendment asking the House to omit the words—

"Sovereign Independent India, its constituent parts and organs of Government."

was to avoid an impediment in the way of the smooth working and functioning of this Constituent Assembly and not to do anything before the other parts of it join this House which might frighten them here at the early stage.

Paragraph (4) says:

"Wherein all power and authority of the Sovereign Independent States, its constituent parts and organs of government, are derived from the people."

Among its constituent parts are territories that now form Indian States. I suppose the attention of most members of this House has been drawn to the recent statement in the Legislative Assembly (or whatever the name may be). of Bikaner wherein the Prime Minister said that so far as the States are concerned the power is derived from the sovereign and not from the people. I submit that these are matters on which there can be a difference of opinion and it would not be proper to pass a resolution containing such statements which might give the other important elements of this Constituent Assembly a real grievance to keep out. The Resolution as amended by me will read:

"Wherein all power and authority are derived from the people."

I have purposely omitted the words "Sovereign Independent India, its constituent parts and organs of government". With regard to the constituent parts I have pointed out the difficulty and the reason why I move the amendment. Even the amended Resolution retains the purport of the Hon'ble Mover's Motion as it says,

"wherein all power and authority are derived from the people."

without in any way specifically bringing in the constituent parts. The Hon'ble Mover of the Resolution in his speech said that even in the Republic which he envisaged, there will be room for ruling chiefs and States where there is a system of monarchy or kingship. That being so, it would not be advisable to pass a resolution saying that all power and authority of the constituent parts also are derived from the people. Perhaps members of the House have noticed the statement which was broadcast last night in which the representatives of the different States made a statement signifying some objection to the Resolution and complaining that there had been no consultation about it before. In view of all that, and in view of the extreme desire of every one assembled here to carry this difficult work through, I think we ought to

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avoid passing a resolution or making statements which might give reasonable cause for an honest difference of opinion.

I do not move amendment No. 30 because that is only a verbal change and I shall not move it. There is one other amendment (No. 43) also standing in my name and I am not moving it.

Mr. Chairman: The next amendment stands in the name of Sir Uday Chand Mahtab—No. 25.

Maharajadhiraja Bahadur Sir Uday Chand Mahtab of Burdwan (Bengal: General): I do not propose to move the amendment.

Mr. Chairman: I find that the movers of all other amendments given notice of here have withdrawn their amendments. I suppose there is no mistake here, and if there is any, any Hon'ble Member may point it out to me. There is one amendment of which notice has been given by Dr. Sir Hari Singh Gour, but unfortunately that was received only this morning. I had already put a definite limit to the time for giving notice of amendments and as Dr. Sir Hari Singh Gour has exceeded that limit, I am unable to allow his amendment.

Now, the Resolution has been moved, and also amendments to it have been moved. The Resolution and these amendments are now for discussion by the House.

I will ask Hon'ble Members to confine their speeches to as short a time as possible because we have already had two days on this, and though I do not wish to curtail the right of any Hon'ble Member to speak, I will ask Members to bear my remark in mind. I have got a list of names here who will take part in the debate, but I take it, it is not a complete list. There may be some other members who may be willing to speak, but I shall proceed according to this list and interpose other speakers also if they wish to speak. The first name that I have got here is Mr. Shri Krishna Sinha.

The Hon'ble Mr. Shri Krishna Sinha (Bihar: General): Mr. Chairman, Sir, I stand here to support the Resolution as originally moved by Pandit Jawahar Lal Nehru: In my opinion, it is really unfortunate that a resolution of such a sacred nature should have been subjected to amendments. I purposely call it sacred because by this Resolution an attempt is made to give expression to that aspiration to be free which has stirred us for the last several years.

Sir, the Resolution, if carefully analysed, comes to this. It gives a picture of the vision of future India. That India of the future is to be a democratic and, decentralised republic, in which the ultimate sovereignty is to lie with the people and in which fundamental rights are to be safeguarded to minorities inhabiting this land. Now, Sir, these are the three fundamental features of this Resolution and it is because of these three fundamental features that I call this Resolution sacred. I shall try to be brief. Yet I cannot refrain from reminding this House that we are all assembled here in assertion of a right, a cherished and valuable right which mankind has achieved for itself after undergoing untold sufferings and sacrifices. Some sort of political structure is required in every society to make life therein possible. A careful analysis of the process of evolution of States in this world shows that the nature of these has changed with the change in the conception of life. Sir, I was not a little surprised to hear just now from an Hon'ble Member of a House which has assembled in assertion of the constituent power of the people that there can be honest difference of opinion regarding the place where political sovereignty resided in society. Certainly, Sir, not long ago, the world did not believe that all individuals composing society had an equal right to liberty and happiness. Society was composed of classes and the individual had no place in society. The place of man in society was determined by the class to which he belonged and so there was no individual liberty to be safeguarded.

Poverty was not thought to be a disease which society must get rid of. Some of the great thinkers of the 18th century France, were of the opinion that the presence of poverty in society was necessary for the proper production of wealth. In such a society, Sir, there could be no place for the principle of the sovereignty of the people. Sovereignty belonged to the King whose privilege it was to rule. The people existed merely to pay the taxes demanded of them by the King and obey the laws enacted by him. But with the lapse of time, the conception of society and life changed. Men came to believe that every individual has an equal right to liberty and happiness. With this change in the conception of life, a change in the structure of the State became necessary. But those who held political power were reluctant to part with it and effect a change in the political structure. There was thus a clash between the ideologies which swayed and people and those which swayed the men in power. There were revolutions on both sides of the Atlantic at the end of the 18th century in which the principle that the power belonged to the people was vindicated. Even after this, there were rulers who would not recognise this principle and so another blood-bath in the shape of a revolution had to be gone through to get finally sanctioned the principle that political power belonged to the people. It was to achieve this constituent power that we in this country have been fighting British Imperialism for the last several years. It is this which moved this country from one end to the other in 1921 and made its millions rally under the banner of revolt raised by Mahatma Gandhi in that year. It was for asserting this basic right of a people that hundreds mounted the scaffold, thousands faced bullets and men in lakhs swarmed the jails. There was a wide gap between the political ideals on which the Government of India was based and the political ideology which swayed the people, and the result has been strife. So, Sir, we are not here in this Assembly because the British Government in a fit of generosity have thought it proper to ask us to take over power. I have been in a position from where I can form my own opinion as to whether there is any sincerity behind all this talk of peaceful transfer of power. We are here because we have succeeded in compelling those who still entertain the dream of governing India according to the political ideals embodied in the Government of India Act, to give up that dream. We have succeeded because of that spirit of rebellion which spread all over the country in 1942. It is as a result of the 1942 rebellion that we are here in this Constituent Assembly. Gathered together in such an Assembly it should be our first duty to draw up a picture of future free India and present it to our people. The Right Hon'ble Dr. Jayakar who spoke eloquently, has drawn a picture of the difficulties which the absence of our Muslim League friends will cause. I do not think that we required a speech from a man of the eminence of Dr. Jayakar to point out these difficulties. We know what those difficulties are. If I understood him aright, however, he did not give us a counsel of despair. He has actually advised us to go on with our work if our friends of the Muslim League do not come in after some time.

Sir, our leader, the Hon'ble Pandit Jawahar Lal Nehru, has made it quite clear that we are anxious to see our Muslim League friends occupying their rightful place in this Assembly. Every one of us is equally anxious to see them come back. But I fail to understand how this particular Resolution would stand in the way of their so coming here at a future date. If we have understood the political ideology of the Muslim League correctly, if we understood the Cabinet Declaration correctly, there is one matter in which all are agreed and that is that the future India is to be a United India and that that India might also be outside the British Commonwealth of Nations, if the Indian people so decide. From the pronouncements made from time to time by Muslim League leaders I think we can rightly draw the conclusion that the

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Muslim League also stands for a free and independent India. So, Sir, according to all of us including the League, the future India is going to be an independent free India. In that independent free India the source of authority is going to vest in the people who inhabit this land. That is the cherished right which has been won for the peoples inhabiting this globe by those who have gone before. That is the principle for which we have been fighting all along. Now when this Constituent Assembly meets and we draw up a declaration, I think the first thing to be included in that declaration should be this elementary right of a people which decides to be free, and therefore to this feature of the Resolution no one can have any objection.

Now, Sir, the Union which we are going to have in India is going to be a Union of all the parts of India. This certainly means that the future India is going to be a united India. I will again say that the shape of that future India which this Resolution envisages certainly shows that the framers of this Resolution have taken pretty good care to see that nothing is said in this Resolution which can create difficulties in the way of our friends of the Muslim League coming into this Assembly at some later date. I know, Sir, there are members in this Assembly—and I must confess that I am one of those,—who believe that there has arisen in India, an Indian nation, an Indian nation with an Indian culture and an Indian civilisation. Such men certainly are only too anxious to have a republic of the unitary type in this country. There has been such a tremendous increase in the economic forces of production in the world that if full use is to be made of these forces in this world, it is necessary that we should have still larger political units which will transgress the national boundaries of national states. It is a realisation of this truth which makes many Indians feel that India must have a centralised republic But inspite of that, if we by this Resolution want to have a republic in India which will be democratic and at the same time decentralised, it is because the framers of this Resolution have taken care to take into account the feelings of our Muslim League friends. Sir, there was a time when because of the historical circumstances prevailing in the world of those days, States of large sizes, containing populations homogenous in language and religion, could be erected. There can be no doubt that a national state with a homogenous population is a force and a living force. But unfortunately at a time when there is a tendency for these national states to pass out of existence, we have to deal with a bitter legacy left behind by them and that is the legacy of small nationalities, consisting often of a few thousands or a few lakhs, clamouring for separate states of their own. This has been creating havoc in this world. The whole of Eastern Europe has become the zone for breeding wars because in that portion of Europe are living small nationalities so intermixed that they cannot be divided into small states, and yet they clamour for separate political existence.

Sir, this Resolution gives expression also to the aspiration that India shall have her place, her rightful place, among the nations of the world. Every Indian legitimately aspires that one day India will give a lead to the whole of Asia and we can give this lead now by successfully constructing a state which will be a democratic republic, and, at the same time decentralised so that different cultural groups based on language, on religion, may be integrated in a vast republic. It is hoped that very soon the flood of Western Imperialism will retreat from the lands of Asia, and no sooner it has retreated, these lands will have to solve the problem of erecting independent states of their own. This question of nationalities is bound to raise its head even in those countries. They have such problems in Palestine, in the Arab world, and in the small islands in the south-eastern portion of Asia. If we are to lead them rightly so that like the Balkans these Asiatic lands may not also become the battleground

of the Imperialisms of the West, it is very necessary that we should set an example by having a state in India which will be a state for the whole of India and at the same time provide safeguards for cultural minorities. This is what this Resolution contemplates by further making provision for the fundamental rights of the individuals and groups living in this country and for safeguarding the fundamental rights of the minorities.

Sir, it is because of these features of this Resolution that I said that the Resolution was of a sacred nature and one which is bound to rank with those declarations which were made on similar occasions in the past by peoples just after they had shed their shackles of slavery. It not only is sacred, it is arduous also, arduous not only because of the difficulties pointed out by Dr. Jayakar, but arduous because of the attitude of British statesmen over there in England. I have just now told you that from my personal experience as an administrator I do not feel that the Britishers have made up their mind to peacefully transfer power to the people of India. Only the other day you had the speech of Mr. Churchill. Not one word of cheer from that great imperialist. At a time like this in the history of our country when so many of us have assembled here to devise a constitution for this land, instead of giving a word of cheer, he was again at his old game. He had a fling at the Congress, he had a fling at Pandit Jawahar Lal Nehru. In the advent of Pandit Jawahar Lal Nehru into the Interim Government he sees the butchery of innocent men in Bihar. To Mr. Churchill, living seven seas across, I will say, you have been supplied with a lie by some interested person and you have made yourself the willing tool for the propagation of that lie. The Government of Bihar did not hesitate for one single moment to use force and it used force, whatever force it had, to give protection to the lakhs of Mussalmans living in that Province. The Bihar Government is a proud Government. It is not going to have dictations from the Government of India, so long as it is constituted under the Government of India Act, 1935. Pandit Jawahar Lal Nehru is our leader and so he went to Bihar. He is a source of inspiration to us. I may tell Mr. Churchill that during his strenuous tours of a few days through the Province he gave the people a bit of his mind. I told the greatest official of this country that he could not restore order in Bihar in the short period in which we did it. Order could be speedily restored, not because of the bayonets that the Government of Bihar had or because of those bayonets that were lent to them by the Government of India. It was the dynamic personality of Pandit Nehru, the saintly presence of Dr. Rajendra and the spectre of a fast unto death by the Mahatma that restored order quickly in Bihar. Mr. Churchill has done great mischief by giving currency to such lies. I have taken much of your time. But I must tell you that before you pass this Resolution you must try to visualise the difficulties that may come in your way. I have not studied this declaration of the Cabinet from the point of view of a lawyer. I spurn to look at it from the point of a lawyer. I have been a soldier all my life and I would look at it from the point of view of a fighter. The statements of British statesmen are not quite helpful. It is just possible that not because of the difficulties that have been dangled before us by Dr. Jayakar but because of the difficulties which may be created in our way by those in power. This Constituent Assembly may one day have to go the way the Constituent Assembly of France in 1799, had to go, because of the attitude of the King and statesmen of that time. So before I sit down, I would remind Hon'ble Members of the House that before they make up their minds to vote in favour of this Resolution they must realise the difficulty that they may have to face in giving effect to their resolve. If we pass this Resolution we must at the same time take a firm resolve to tear down that political edifice which owes its existence in India to the Government of India Act, 1935—a monument of constitutional jugglery—and

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build on it a Republic of the type which this Resolution envisages, whatever may be the difficulties that may come in the way.

Mr. Chairman: It is already past five. I would like to know whether the Hon'ble Members would like to sit till half past five.

Many Hon'ble Members: Half past five.

Mr. Chairman: Opinion is divided.

The Hon'ble Sardar Vallabhbhai J. Patel: Opinion is unanimous for five.

Mr. Chairman: Those who are in favour of half past five will please raise their hands. . . . . .

Those who are not in favour of half past five will now raise their hands. . . .

Mr. Chairman: The "fives" have it. The House will now adjourn till Eleven of the Clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th December 1946.

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Volume I
No. 7



Tuesday
17th December
1946

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Tuesday, the 17th December, 1946

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. Chairman (The Hon'ble Dr. Rajendra Prasad) in the Chair.

The following Member presented her credential and signed the Register.

The Hon'ble Mrs. Vijayalakshmi Pandit.

Mr. Chairman: I am happy to welcome Srimathi Vijayalakshmi Pandit after the great work she has been able to achieve in the International Conference in America. (*Cheers*). I am sure the whole House will join me in that welcome as is apparent from the cheering. (*Applause*).

Is there any other member who wishes to sign the Roll?

(None.)

RESOLUTION *RE*: AIMS AND OBJECTS—*contd.*

Mr. Chairman: We shall proceed to the discussion of the Resolution and the amendments. I have got a long list of members who wish to speak. The list covers more than 50 names. I do not know how I can accommodate all the 50 speakers who have sent in their names. There may also be some others who wish to speak. I would therefore select according to my own choice. I am not sure that that may not cause complaint in some quarter or other, but I suppose that that is the only way. I want to suggest to the speakers to be as brief as they can, because after all we have got to go through this work, finish this Resolution and take up other business. Sitting, as we are doing now for two hours a day, if every speaker takes 15 minutes, that means 6 days and if we sit both in the morning and evening, it means 3 days. I do not think we can afford so much time on this Resolution. I would therefore request the speakers to be as brief as they can without my fixing any time-limit. Ten minutes may be taken as a reasonable limit. I would call upon Mr. Masani.

Mr. M. R. Masani (Bombay: General): Mr. Chairman, in rising to speak on this Resolution, I would like to make it clear at the outset that I do so, not as a member of one of the several communities into which, unfortunately, our nation is today divided, but as an Indian first and last. (*Hear, hear*). I do so even though I owe my origin to the very smallest or tiniest of our national minorities. It was one of those groups of people who received that welcome, that hospitality and that protection to which Babu Purushottamdas Tandon referred in his speech in seconding this Resolution. I hope, Sir, that these minorities which exist in our country, will, along with the majority, continue their progress towards becoming a nation, a process which in this ancient country was happening through the absorption of new groups that came into it through the centuries, but a process which seems to have been retarded through the rigidity of caste and through the exclusiveness of society in the past few centuries. I would only observe at this stage that the conception of a nation does not permit the existence of perpetual or permanent minorities. Either the nation absorbs these minorities or, in course of time, it must break up. Therefore, while welcoming the clause in this Resolution which promises adequate safeguards for the minorities, I would say that it is a good thing that

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we have these legal and constitutional safeguards, but that ultimately no legal safeguard can protect small minorities from the overwhelming domination of big masses, unless on both sides an effort is made to get closer and become one corporate nation, a homogeneous nation. That process has been shown to us by the United States of America, where peoples of different races have, with one unfortunate exception, been absorbed into one nation.

There must have been indeed very few members of this House who were not deeply moved, and who did not feel elevated, by the noble speech with which the Mover of this Resolution introduced it in this House. He peered into the future and tried to see what shape the destiny of the people of India would take and, in response to the appeal which he made that we should consider this Resolution as something fundamental and avoid legal disputes and quibbling over its terms. I would like, in the very few minutes that, Sir, you have placed at my disposal, to draw the attention of this House to what I might call the social or long-term aspect of this Resolution and to try to understand what kind of society or State, what way of life this Resolution offers to the people of this country. I feel, Sir, that immediate disputes aside, that is the part of the Resolution at which the common people of the country will look with the closest attention.

I approach this part of the Resolution, Sir, as a Democratic Socialist, a Socialist who feels that democracy needs to be extended from the political to the economic and social spheres and that, if socialism does not mean that, then it means nothing at all. I welcome this Resolution in spite of the fact that neither the word 'Democracy' nor the word 'Socialist' finds a place in its Preamble. It is perhaps just as well that those words have been avoided because, as one of us here put it in his Presidential Address at the Meerut Congress, terms like Socialism or Democracy can be made to cover a multitude of sins. The fog of words often covers realities. We know that the French Revolution was made in the name of fraternity but, towards the end of that Revolution, a cynic remarked—

"When I saw what men did in the name of fraternity, I resolved if I had a brother to call him cousin!"

That, I fear, is true of other revolutions as well.

As a Socialist, Sir, I welcome this aspect of the Resolution because, as the Mover has rightly pointed out, the content of economic democracy is there, although the label is not there. The Resolution, in my view clearly rejects the present social structure, it rejects the social *status quo*. There can be no other meaning to the words in clause 5 which refer to justice—social, economic and political. I do not think anyone here would argue that the present state of our society is based on justice. I think it has been estimated that to-day if our national income were to be divided into three equal thirds, 5 out of 100 Indians get one third of our national income, another 33 get the second third and the big mass of 62 get the remaining portion. That surely is not social or economic justice and, therefore, as I understand this Resolution, it would not tolerate the wide and gross inequalities which exist in our country. It would not tolerate the exploitation of a man's labour by somebody else. It certainly means that everyone who toils for the common good will get his fair share of the fruits of his labour. It also means that the people of this country, so far as any constitution can endow them, will get social security—the right to work or maintenance by the community. The Resolution also provides for equality of opportunity. Equality of opportunity, Sir, presupposes equal facilities in education and in the development of the talent that is latent in each one of us. To-day, among our masses a fund of latent talent exists which has no chance to come out and contribute to our national good. Equality of opportunity certainly assumes that every child

in this country, every boy and girl, will get an equal opportunity to develop those faculties which he or she possesses in order contribute to the common good.

That, Sir, is the socialist aspect of the Resolution. It does not provide for Socialism. It would be wrong to provide for such a thing, because this House has no mandate to go in for far-reaching economic changes in the country. Those changes can be brought about by a properly constituted Parliament when it comes into existence with the mandate of the people. All that we can do as an Assembly here, is to frame a constitution which will allow those far-reaching changes which are necessary to be made and I submit, Sir, that this Resolution goes as far as it can in satisfying the most ardent socialist amongst us.

As I said, Sir, I approach this as a Democratic Socialist and, if Socialism is there, so is Democracy or the content of Democracy included in the Resolution. I do not think the word 'Republic' there is adequate. As Pandit Jawahar Lal Nehru himself has stated, it is conceivable that a Republic may not be democratic. If we cast our eyes around the globe to-day, we shall see several instances of this and therefore, apart from saying that we shall be a Republic, it is necessary that we should make it clear, as clauses 4 and 5 do, that in our view Democracy does not mean a Police State, where the Secret Police can arrest or liquidate people without trial. It does not mean a totalitarian State where one party can seize power and keep opposition parties suppressed and not give them the freedom to function freely and with equal facilities. It cannot mean a Society or State where an individual is made a robot or where is reduced to "a small screw in the big machine of State". Pandit Jawahar Lal Nehru has pointed out that this Resolution is based on Democracy, and that all our past bears witness to the fact that we stand for Democracy and for nothing less. But it is not only our past which is a guarantee of our democratic faith. It is also our present.

Our national life has many different trends in it but, almost unanimously, we all stand for the freedom of the individual and for a democratic State. And to show how widely differing schools of thought in our midst can agree with almost one voice on this desire to distribute power to our common people, to distribute political and economic power so widely that no one man or group of people can exploit or dominate the rest, I will cite to you first the testimony of one who is not present amongst us, one who was referred to by the Mover as the Father of our Nation. I refer to Mahatma Gandhi. (*Cheers*). These are his words as quoted in 'A Week with Gandhi' by Louis Fischer:—

"The centre of power now is in New Delhi, or in Calcutta and Bombay, in the big cities. I would have it distributed among the seven hundred thousand villages of India. . . . .

"There will then be voluntary co-operation between these seven hundred thousand units, voluntary co-operation—not co-operation induced by Nazi methods. Voluntary co-operation will produce real freedom and a new order vastly superior to the new order in Soviet Russia. . . . . .

"Some say there is ruthlessness in Russia, but that it is exercised for the lowest and the poorest and is good for that reason. For me, it has very little good in it."

And as if to find an echo of that in a thinker of a very different school, I shall now cite a sentence or two from a recent Picture of Socialism drawn by the leader of the Indian Socialist Party, Jai Prakash Narain. I regret, Sir, that he has not joined us in our labours here, but this is what he says and it sounds almost like an echo of Gandhiji's thought:

"The State under Socialism threatens, as in Russia, far from withering away, to become an all-powerful tyrant maintaining a strangle-hold over the entire life of the citizen. This leads to totalitarianism of the type we witness in Russia today. By dispersing the ownership and management of industry and by developing the village into a democratic village republic, we break this strangle-hold to a very large extent and attenuate the danger of totalitarianism. . . . .

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Thus my picture of a socialist India is the picture of an economic and political democracy. In this democracy, men will neither be slaves to capitalism nor to a party or the State. Man will be free."

Sir, it is a fashion of our day to argue that the social and economic changes that are at present required cannot be made unless individual liberty and democracy are first destroyed and an all-powerful State can push its programmes through. This Resolution, if I read it aright, is a refutation of that thesis. It envisages far-reaching social changes—social justice in the fullest sense of the term but it works for those social changes through the mechanism of political Democracy and individual liberty. To those defeatists who say that this cannot be done, this Resolution says it can be done, and we have the intention and the determination to do it. The central problem of our times is whether the State is to own the people or the people are to own the State. Where the State belongs to the people, the State is a mere instrument subordinate to the people and it serves the people. It only takes away the liberty of the individual to the extent that the people really desire it. Where the State owns the people, the people are mere robots in a big machine—pushed about here and there by the whims of an all-powerful dictator or an all-powerful party. It is because I believe, Sir, that this Resolution points the direction to a constitution where the people will be in power, where the individual will occupy the centre of the stage and the development of the individual personality will be the main aim of our social good, that I support this part of the Resolution, this aspect of it, for, I believe that, as the fathers of the United States Constitution put it, every individual Indian has an "inalienable right to Life, Liberty and pursuit of Happiness". (*Cheers.*)

Mr. F. R. Anthony (Bengal: General): Mr. President, Sir, I have risen to support the amendment moved by Dr. Jayakar. I have given the most earnest consideration to the Resolution moved by Pandit Nehru and to the amendment as it has been moved by Dr. Jayakar. I appreciate the solemn character of the main Resolution, and I am not going to support the amendment purely by arguing technical or legal reasons in support of it. I appreciate the fact that the first part of that main Resolution affirms our solemn resolve to proclaim India as an Independent Sovereign Republic. That, I realise, is an article of faith with the Congress Party. It represents the supreme objective for which they have fought so long and so arduously. No one could, should, more than that, would dare ask them not to reiterate that pledge of theirs on this, the first and the most appropriate occasion. Apart from that, I think it is a pledge which is enshrined in the heart of every Indian. I also appreciate the fact that constitutional precedent shows that assemblies such as ours have at the very first opportunity declared their main and fundamental objective. And ours is to proclaim India as a Sovereign Independent Republic. Pandit Jawahar Lal Nehru has asked us, quite rightly, not to read into this word "Republic" any unnecessary bogeys. It is only meant to indicate a constitution in contradistinction to a monarchical form of government. At the same time, he emphasised that it does not preclude units, autonomous units, from joining this Republic and retaining to themselves a monarchical form of government. The reasons why I have supported Dr. Jayakar's amendment are that, I believe that it fulfils essentially both these things. The amendment respects the Congress pledge. It affirms our solemn resolve to frame a constitution for a free and democratic Sovereign State. The words used may not be identical. I would prefer the words to have been adopted from the main Resolution, but I believe that from the constitutional point of view, the connotations of these two phrases are virtually identical. Further, Dr. Jayakar's amendment meets the second need, to proclaim at this first stage our fundamental objective of framing a constitution for a free and democratic Sovereign State. What I believe Dr. Jayakar's amendment really

seeks to do is to ask us to defer a declaration on the remaining parts of that main Resolution. That is, those parts relating to the Indian States, to the powers and functions of the Provinces and to the powers and functions of the Union. That, I believe is the intention of this amendment—to ask us to defer a declaration, however just it may be,—a declaration which may expose us to the charge, however baseless, that we are pre-judging matters of detail which have to be traversed in this Assembly and on which decisions should be made after they have been fully canvassed and discussed here. That is why, Sir, I feel that Dr. Jayakar's amendment should be supported. It ought to be adopted because it is dictated, if I may say so, with all humility, by considerations of statemanship, by the desire of every one of us to see the greatest measure of agreement and goodwill between the two major parties and by the desire of every one of us to see this great country of ours embracing, giving strength to and being given strength by those who make up her children.

Dr. Syama Prasad Mookherjee (Bengal: General): Mr. Chairman, Sir, I believe in the course of the chequered history of our country, we have often passed motions and resolutions from different political parties and platforms embodying our demands for an Independent Sovereign State for our motherland. But so far as today's Resolution is concerned, it has a deep and special significance. It is for the first time in the history of our country, since we came under British rule, that we have met to frame our own constitution. It is a great responsibility—in fact, as the Hon'ble the Mover of the Resolution reminded us, it is a solemn and sacred trust which we Indians have agreed to perform and we propose to do so to the best of our ability. Now, Sir, the amendment which has been moved by Dr. Jayakar raises certain questions of fundamental importance. I am sorry I cannot support the amendment. The effect of the amendment practically is that we cannot pass a resolution of this description at all until the Sections have met and made their recommendations. Dr. Jayakar wants that we should not pass this Resolution until both the Indian States and the Muslim League are enabled to attend the Constituent Assembly. So far as the Indian States are concerned, they cannot come even if they wish to, until the Sections have met and settled the provincial constitutions, which means how many months none can foretell. So far as the Muslim League is concerned, no doubt, every one regrets that the Muslim League has not found it possible to attend the preliminary session of the Constituent Assembly. But what guarantee is there that, if this Resolution is postponed till the 20th January next, as Dr. Jayakar suggests, the Muslim League will come and attend the session?

I feel, Sir, that the question should really be looked at from a different point of view. Does this Resolution raise issues which are in any way inconsistent with the Cabinet Mission's Scheme of May the 16th? If it does raise issues which are inconsistent with that scheme, then obviously we are pre-judging matters, we are raising matters which, it may be said, we have no right to do at this stage. Now, that document to my mind is something like a puzzle picture. You can interpret it in so many ways looking at it from different angles of vision. But looking at the Resolution as it stands, what is the declaration that it is making now? It enumerates certain fundamental things which are within the frame-work of the Scheme itself. I know that if we go into some details, I have to refer to at least one matter on which many of us hold divergent views, namely, the question of residuary powers. But that is a matter which the Cabinet Mission's Scheme has included within the contemplated frame-work of the Constitution. That is a matter on which the Indian National Congress has expressed its opinion; that is a matter, I believe, on which the Muslim League also has expressed its opinion. Some of us differ from that standpoint and urge a stronger Centre in India's paramount interest. We shall do so at an appropriate stage later on. Pandit Jawahar Lal Nehru, as the mover of the Resolution, has also made it clear that we are not now framing

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a constitution for India; we are only passing a resolution at this stage, at the preliminary stage, outlining generally the shape that the future constitution of India should take. In other words, when the time actually comes for us to frame the Constitution, I believe, Sir, it will be open to any one to bring up any matter that he chooses before the House as an amendment to any proposal that may be made and which is bound to be considered on its merits. The passing of this Resolution, I take it, can be no legal bar whatever against any member bringing forward any amendment to the draft Constitution that this Assembly may frame at a later stage. If assurances are forthcoming on these two issues, namely, that the Resolution as drafted does not go against the main features of the Cabinet Mission's Scheme, and also that it does not commit the Constituent Assembly in a definite manner with regard to the details of the Constitution that is yet to come, I see no reason why any obstacle should be put forward to passing the Resolution at this stage.

The Resolution has an importance of its own. After all, we are sitting here not in our individual capacity, but we claim to represent the people of this great land. Our sanction is not the British Parliament; our sanction is not the British Government; our sanction is the people of India (*cheers*). And if that is so, we have to say something, not merely to frame rules and regulations, —we have to say something concrete to the people of India as to why we have assembled here on the 9th December, 1946. If what Dr. Jayakar says had been the correct position, then this Constituent Assembly should not have been called at all; in fact, Dr. Jayakar need not have attended the meeting. He should have informed the Governor General,—"I regret I cannot accept your invitation because I feel you are doing wrong in calling the Constituent Assembly as the Muslim League and the Indian States are not attending." But having come here, for us to raise this issue is practically to walk into the trap of the Muslim League and to strengthen the hands of reactionaries in Great Britain. I know that Dr. Jayakar will be the last man to do such a thing. I admire his courage of conviction; in fact, every one who feels that a certain thing should be done, must be able to come forward and present his view point. But we may also respectfully point out to Dr. Jayakar the great danger that lies in the innocent looking amendment that he has put forward before the House, and I hope that he will withdraw the amendment in due course when the time comes.

I would like just to say a few words with regard to another aspect of the question. The Resolution is there, but how are we going to implement it? What are the impediments that we already see before us which may prevent us from carrying this Resolution into effect? Now, one, of course, is the status of the Constituent Assembly in the absence of the Muslim League. Dr. Jayakar yesterday referred to some analogy of a dinner party. He said, "If guests are invited and some guests do not come, then how can you have the dinner party?" But he forgot to say what will be the fate of the guests who have already arrived? If he is going to be the host and invites six guests, suppose five of them come and one is absent, is he then going to starve those five guests of his and turn them out of his house and say, "the sixth has not come and you are not going to get your food?" Obviously not. Here also the hunger for freedom for those who have come has to be satisfied. Mr. Churchill said that the absence of the Muslim League in the Constituent Assembly was something like the absence of the bride in the Church when the marriage was going to take place. I do not know, when the Indian States come in and also the Muslim League, how many brides the Constituent Assembly is going to have ultimately. In any case, if that is Mr. Churchill's point of view, he should not play the role of a seducer. He should have asked Mr. Jinnah to go back to India and join the Constituent Assembly and place his point of view before the people of India. No one has said that the Muslim

League should not come. In fact, we want that the Muslim League should come so that we can meet each other face to face. If there are difficulties, if there are differences of opinion, we do not wish that we should carry only by majority votes. That may have to be done as a last resort, but obviously, every attempt must be made, will be made to come to an agreement as regards the future Constitution of India. But why is the Muslim League being prevented from coming? My charge is that the Muslim League is not coming because of the encouragement it receives from British attitude. The Muslim League has been encouraged to feel that if it does not come, it may be able to veto the final decision of the Constituent Assembly. The power of veto in some form or another has again passed into the hands of the Muslim League, and that is the danger that threatens the future activities of this great Assembly. Sir, I am not going to discuss in detail, because this is neither the time nor the occasion when I can discuss, the various provisions of the British statements. But, I would certainly say this: that this Constituent Assembly, although it is a British creation for the time being, once it has come into existence, it has the power, if it has the will, to assert its right and to do what is best and proper for the attainment of India's freedom, for the good of the people of India irrespective of caste, creed or community. (*Hear, hear.*)

Now, Sir, we have said, at any rate, the Indian National Congress has said—because that was one of the major parties with whom negotiations went on—that they stand by the Cabinet Mission Scheme of May 16. It gladdened my heart yesterday when the Hon'ble Sardar Vallabhbhai Patel got up, interrupting Dr. Jayakar, and said that the Congress has not accepted anything beyond the Statement of May 16, 1946. (*Cheers*). That I consider to be an announcement of fundamental importance. We have got to make it clear as to what we are here for. I say that our attitude should be something like this: We shall give the Cabinet Mission Scheme of May 16, a chance; genuinely, honestly we shall see if we can come to an agreement with the other parties and elements on the basis of the Scheme of May 16, 1946. But subsequent interpretations, if any, we are not going to accept. Or if any party chooses to deviate from the Scheme and break away, we shall proceed and frame the Constitution as we wish.

There has been considerable difference of opinion with regard to one clause of the Statement of May 16, 1946, and that is with regard to the question of grouping. Now, it is for the Congress to decide, as one of the major parties involved, what interpretation it is going to accept ultimately. If the interpretation as given by His Majesty's Government is not accepted, and if the Congress considers that the interpretation put upon that portion of the Statement by it (the Congress) is correct, then of course a crisis may come. That is a question which has to be decided apart from a discussion on this Resolution. In fact, the greater the delay in making a decision on that question, the greater will be the atmosphere of unreality; so far as the proceedings of this House are concerned. But, after that question is decided, supposing the interpretation put by His Majesty's Government is accepted, whether by a reference to the Federal Court, or not, I need not go into, then we shall go on. We shall proceed with our work. The Muslim League may come or may not come. If it comes, well and good; and even if it does not come, it cannot retard India's freedom and we must claim to proceed with our business in this Constituent Assembly. I feel, Sir, that if a crisis does come, as I visualise, it is likely to come, if our country is to be free, it is not going to be in accordance with constitutional means. In view of the developments that have taken place during the last few days, our task will not be performed so easily. But let me emphasise that whatever has to be done, it has to be done through the agency of this Constituent Assembly and none other. If ultimately we have to function, we shall function on our own responsibility and prepare a

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constitution which we shall be able to place before the bar of world opinion and satisfy everyone that we have treated the people of India, minorities and all, in a just and equitable manner.

After all, what happened with regard to the South African question? We have today in our midst, the Hon'ble Mrs. Pandit, who has come back to her motherland after a great victory. But even there she was not supported by our self-constituted trustee—His Majesty's Government in Great Britain. In fact the vote went against India so far as Great Britain was concerned. But she won. The Indian Delegation won before the bar of world opinion. Similar may be the case with regard to the Constituent Assembly also. If we take courage in both hands and frame a constitution which will be just and equitable to all, then we shall be able, if need be, to declare this Constituent Assembly as the first Parliament of a Free and Sovereign Indian Republic. (*Loud cheers.*) We then may be able to worm our own National Government and enforce our decision on the people of this land. As I said a few minutes ago, our sanction is not the British people or the British Government. Our sanction is the people of India and therefore we have to make the ultimate appeal to the people of our country.

Sir, when we talk about minorities, it is suggested as if the Muslim League represents the only minority in India. But that is not so. There are other minorities. Coming from Bengal with all her tragic suffering, let me remind the House that Hindus also constitute a minority in at least four Provinces in India and, if minority rights are to be protected, such rights must affect every minority which may vary from Province to Province.

Only last night, Lord Simon made the startling announcement that the Constituent Assembly sitting in Delhi consists of only Caste Hindus. So many false statements have been uttered during the last few days in England that it is difficult to keep count of them all. But who are represented in this House today? There are Hindus; there are some Muslims too. At least there are Muslims from one Muslim province who come as representatives of a Government which is functioning there in spite of the Muslim League. There are the representatives of the Province of Assam which is supposed to be part and parcel of Mr. Jinnah's Pakistan-to-come. That Province is also officially represented by the majority of the people of that province. You have the Scheduled Castes. All the Scheduled Caste members who have been elected to the Constituent Assembly are here. Even Dr. Ambedkar who may not agree with us in all matters is present here, (*applause*), and I take it, it will be possible for us to convert him, or reconvert him and to get him to our side, (*renewed applause*) when we go to discuss in detail the interests of those whom he represents. There are other Scheduled Caste members also present here. The Sikhs are present here; all of them. The Anglo-Indians are present and so are the Indian Christians. So, how did it lie in the mouth of Lord Simon . . . . . (*A Voice*: Parsis also are present here.) Yes, last but not least, the Parsees also are present here. So, how did it lie in the mouth of Lord Simon or anybody else . . . . (*A Voice*: The Tribal representatives are here). Tribal areas and the Adibasis are here represented by my friend Mr. J. Singh. In fact, every element that has been elected to the Indian Constituent Assembly is here barring the Muslim League. The Muslim League represents a section. I take it a large section, may be a very large section of the Muslim community, but it is absolutely false to suggest that this Constituent Assembly consists only of one section of the people, the Caste Hindus, as though Caste Hindus have been born only to oppress the others and to fashion out something which will be disastrous to the interests of India. Now, is it suggested that if one section of the Indian people chooses to be absent from the Constituent Assembly, India should continue to remain a slave country? (*A Voice*: "No").

That reply has to be given to the people of this country who are absent and also their instigators. I would say, Sir, that we should say to the British people once and for all, "We want to remain friendly with you. You started your career in this country as traders. You came here as supplicants before the Great Mughal. You wanted to exploit the wealth of this country. Luck was in your favour. By forgery, fraud and force, you succeeded in establishing—these are all matters of history—your Government in this country, but not with the willing co-operation of the people of this land. You introduced separate electorates, you introduced religion into Indian politics. That was not done by Indians. You did it, only to perpetuate your rule in this country. You have created vested interests in this country which have become powerful enough now and which cannot be destroyed with their own willing co-operation. In spite of all these, if you really want that you and India should remain as friends in the future, we are prepared to accept your hand of co-operation. But for heaven's sake, it is not the business of the British Government to interfere so far as the domestic problems of India are concerned. Every country will have its own domestic problems and unfortunately India has her domestic problems too, and those domestic problems must ultimately be settled by the people of this country." I hope, Sir, as we are not framing a constitution now, as we are only laying down a general outline of the things that we want to do in the future, the House will refuse to listen to narrow technicalities. We shall go ahead with our work in spite of all difficulties and obstacles and help to create that great India, united and strong, which will be the motherland of not this community or that, not this class or that, but of every person, man, woman and child, inhabiting this great land, irrespective of race, caste, creed or community, where everyone will have an equal opportunity, an equal freedom, an equal status so that he or she could develop himself or herself to the best of his or her talents and serve faithfully and fearlessly this beloved common motherland of ours.

Mr. Chairman: Dr. Ambedkar.

Dr. B. R. Ambedkar (Bengal: General): Mr. Chairman, I am indeed very grateful to you for having called me to speak on the Resolution. I must however confess that your invitation has come to me as a surprise. I thought that as there were some 20 or 22 people ahead of me, my turn, if it did come at all, would come tomorrow. I would have preferred that as today I have come without any preparation whatsoever. I would have liked to prepare myself as I had intended to make a full statement on an occasion of this sort. Besides you have fixed a time limit of 10 minutes. Placed under these limitations, I don't know how I could do justice to the Resolution before us. I shall however do my best to condense in as few words as possible what I think about the matter.

Mr. Chairman, the Resolution in the light of the discussion that has gone on since yesterday, obviously divides itself into two parts, one part which is controversial and another part which is non-controversial. The part which is non-controversial is the part which comprises paragraphs (5) to (7) of this Resolution. These paragraphs set out the objectives of the future Constitution of this country. I must confess that, coming as the Resolution does from Pandit Jawahar Lal Nehru who is reputed to be a Socialist, this Resolution, although non-controversial, is to my mind very disappointing. I should have expected him to go much further than he has done in that part of the Resolution. As a student of history, I should have preferred this part of the Resolution not being embodied in it at all. When one reads that part of the Resolution, it reminds one of the Declaration of the Rights of Man which was pronounced by the French Constituent Assembly. I think I am right in suggesting that, after the lapse of practically 450 years, the Declaration of the Rights of Man and the principles which are embodied in it has become part and parcel of our mental make-up. I say they have become not only the part and

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parcel of the mental make-up of modern man in every civilised part of the world, but also in our own country which is so orthodox, so archaic in its thought and its social structure, hardly anyone can be found to deny its validity. To repeat it now as the Resolution does is, to say the least, pure pedantry. These principles have become the silent immaculate premise of our outlook. It is therefore unnecessary to proclaim as forming a part of our creed. The Resolution suffers from certain other lacuna. I find that this part of the Resolution, although it enunciates certain rights, does not speak of remedies. All of us are aware of the fact that rights are nothing unless remedies are provided whereby people can seek to obtain redress when rights are invaded. I find a complete absence of remedies. Even the usual formula that no man's life, liberty and property shall be taken without the due process of law, finds no place in the Resolution. These fundamental rights set out are made subject to law and morality. Obviously what is law, what is morality will be determined by the Executive of the day, and when the Executive may take one view another Executive may take another view and we do not know what exactly would be the position with rgeard to fundamental rights, if this matter is left to the Executive of the day. Sir, there are here certain provisions which speak of justice, economical, social and political. If this Resolution has a reality behind it and a sincerity, of which I have not the least doubt, coming as it does from the Mover of the Resolution, I should have expected some provision whereby it would have been possible for the State to make economic, social and political justice a reality and I should have from that point of view expected the Resolution to state in most explicit terms that in order that there may be social and economic justice in this country, that there would be nationalisation of industry and nationalisation of land, I do not understand how it could be possible for any future Government which believes in doing justice, socially, economically and politically, unless its economy is a socialistic economy. Therefore, personally, although I have no objection to the enunciation of these propositions, the Resolution is, to my mind, somewhat disappointing. I am however prepared to leave this subject where it is with the observations I have made.

Now I come to the first part of the Resolution, which includes the first four paragraphs. As I said from the debate that has gone on in the House, this has become a matter of controversy. The controversy seems to be centred on the use of that word 'Republic'. It is centred on the sentence occurring in paragraph 4 "the sovereignty is derived from the people". Thereby it arises from the point made by my friend Dr. Jayakar yesterday that in the absence of the Muslim League it would not be proper for this Assembly to proceed to deal with this Resolution. Now, Sir, I have got not the slightest doubt in my mind as to the future evolution and the ultimate shape of the social, political and economic structure of this great country. I know to-day we are divided politically, socially and economically. We are a group of warring camps and I may go even to the extent of confessing that I am probably one of the leaders of such a camp. But, Sir, with all this, I am quite convinced that given time and circumstances nothing in the world will prevent this country from becoming one. (*Applause*). With all our castes and creeds, I have not the slightest hesitation that we shall in some form be a united people. (*Cheers*). I have no hesitation in saying that notwithstanding the agitation of the Muslim League for the partition of India some day enough light would dawn upon the Muslims themselves and they too will begin to think that a United India is better even for them. (*Loud cheers and applause*).

So far as the ultimate goal is concerned, I think none of us need have any apprehensions. None of us need have any doubt. Our difficulty is not about the ultimate future. Our difficulty is how to make the heterogeneous mass that we have to-day take a decision in common and march on the way which

leads us to unity. Our difficulty is not wth regard to the ultimate, our difficulty is with regard to the beginning. Mr. Chairman, therefore, I should have thought that in order to make us willing friends in order to induce every party, every section in this country to take on to the road it would be an act of greatest statemenship for the majority party even to make a concession to the prejudices of people who are not prepared to march together and it is for that, that I propose to make this appeal. Let us leave aside slogans, let us leave aside words which frighten people. Let us even make a concession to the prejudices of our opponents, bring them in, so that they may willingly join with us on marching upon that road, which as I said, if we walk long enough, must necessarily lead us to unity. If I, therefore, from this place support Dr. Jayakar's amendment, it is because I want all of us to realise that whether we are right or wrong, whether the position that we take is in consonance with our legal rights, whether that agrees with the Statement of May the 16th or December 6th, leave all that aside. This is too big a question to be treated as a matter of legal rights. It is not a legal question at all. We should leave aside all legal considerations and make some attempt, whereby those who are not prepared to come, will come. Let us make it possible for them to come, that is my appeal.

In the course of the debate that took place, there were two questions which were raised, which struck me so well that I took the trouble of taking them down on a piece of paper. The one question was, I think, by my friend, the Prime Minister of Bihar who spoke yesterday in this Assembly. He said, how can this Resolution prevent the League from coming into the Constituent Assembly? Today my friend, Dr. Syama Prasad Mookherjee, asked another question. Is this Resolution inconsistent with the Cabinet Mission's Proposal? Sir, I think they are very important questions and they ought to be answered and answered categorically. I do maintain that this Resolution whether it is intended to bring about the result or not, whether it is a result of cold calculation or whether it is a mere matter of accident is bound to have the result of keeping the Muslim League out. In this connection I should like to invite your attention to paragraph 3 of the Resolution, which I think is very significant and very important. Paragraph 3 envisages the future constitution of India. I do not know what is the intention of the mover of the Resolution. But I take it that after this Resolution is passed, it will act as a sort of a directive to the Constituent Assembly to frame a constitution in terms of para. 3 of the Resolution. What does para. 3 say? Para. 3 says that in this country there shall be two different sets of polity, one at the bottom, autonomous Provinces or the States or such other areas as care to join a United India. These autonomous units will have full power. They will have also residuary powers. At the top, over the Provincial units, there will be a Union Government, having certain subjects for legislation, for execution and for administration. As I read this part of the Resolution, I do not find any reference to the idea of grouping, an intermediate structure between the Union on the one hand and the provinces on the other. Reading this para. in the light of the Cabinet Mission's Statement or reading it even in the light of the Resolution passed by the Congress at its Wardha session, I must confess that I am a great deal surprised at the absence of any reference to the idea of grouping of the provinces. So far as I am personally concerned, I do not like the idea of grouping (*hear, hear*). I like a strong united Centre, (*hear, hear*) much stronger than the Centre we had created under the Government of India Act of 1935. But, Sir, these opinions, these wishes have no bearing on the situation at all. We have travelled a long road. The Congress Party, for reasons best known to itself, consented, if I may use that expression, to the dismantling of a strong Centre which had been created in this country as a result of 150 years of administration, and which, I must say,

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was to me a matter of great admiration and respect and refuge. But having given up that position, having said that we do not want a strong centre, and having accepted that there must be or should be an intermediate polity, a sub-federation between the Union Government and the Provinces, I would like to know why there is no reference in para. 3 to the idea of grouping. I quite understand that the Congress Party, the Muslim League and His Majesty's Government are not *ad idem* on the interpretation of the clause relating to grouping. But I always thought that,—I am prepared to stand corrected if it is shown that I am wrong,—at least it was agreed by the Congress Party that if the Provinces which are placed within different groups consent to form a Union or Sub-federation, the Congress would have no objection to that proposal. I believe I am correct in interpreting the mind of the Congress Party. The question I ask is this. Why did not the Mover of this Resolution make reference to the idea of a Union of Provinces or grouping of Provinces on the terms on which he and his party was prepared to accept it? Why is the idea of Union completely effaced from this Resolution? I find no answer. None whatever. I therefore say in answer to the two questions which have been posed here in this Assembly by the Prime Minister of Bihar and Dr. Syama Prasad Mookherjee as to how this Resolution is inconsistent with the Statement of May 16th or how this Resolution is going to prevent the Muslim League from entering this Constituent Assembly, that here is para. 3 which the Muslim League is bound to take advantage of and justify its continued absentation. Sir, my friend Dr. Jayakar, yesterday, in arguing his case for postponing a decision on this issue put his case, if I may say so, without offence to him, somewhat in a legalistic manner. The basis of his argument was, have you the right to do so? He read out certain portions from the Statement of the Cabinet Mission which related to the procedural part of the Constituent Assembly and his contention was that the procedure that this Constituent Assembly was adopting in deciding upon this Resolution straightaway was inconsistent with the procedure that was laid down in that Paper. Sir, I like to put the matter in a somewhat different way. The way I like to put it is this. I am not asking you to consider whether you have the right to pass this Resolution straightaway or not. It may be that you have the right to do so. The question I am asking is this. Is it prudent for you to do so? Is it wise for you to do so? Power is one thing; wisdom is quite a different thing and I want this House to consider this matter from the point of view, not of what authority is vested in this Constituent Assembly, I want this House to consider the matter from another point of view, namely, whether it would be wise, whether it would be statesmanlike, whether it would be prudent to do so at this stage. The answer that I give is that it would not be prudent, it would not be wise. I suggest that another attempt may be made to bring about a solution of the dispute between the Congress and the Muslim League. This subject is so vital, so important, that I am sure it could never be decided on the mere basis of dignity of one party or the dignity of another party. When deciding the destinies of nations, dignities of people, dignities of leaders and dignities of parties ought to count for nothing. The destiny of the country ought to count for everything. It is because I feel that it would in the interest not only of this Constituent Assembly so that it may function as one whole, so that it may have the reaction of the Muslim League before it proceeds to decision that I support Dr. Jayakar's amendment—we must also consider what is going to happen with regard to the future, if we act precipitately. I do not know what plans the Congress Party, which holds this House in its possession, has in its mind? I have no power of divination to know what they are thinking about. What are their tactics, what is their strategy, I do not know. But applying my mind as an outsider to the issue that has arisen, it seems to me there are only three ways by which the future will be decided. Either there shall have to be surrender

by the one party to the wishes of the other—that is one way. The other way would be what I call a negotiated peace and the third way would be open war. Sir, I have been hearing from certain members of the Constituent Assembly that they are prepared to go to war. I must confess that I am appalled at the idea that anybody in this country should think of solving the political problems of this country by the method of war. I do not know how many people in this country support that idea. A good many perhaps do and the reason why I think they do, is because most of them, at any rate a great many of them, believe that the war that they are thinking of, would be a war on the British. Well, Sir, if the war that is contemplated, that is in the minds of people, can be localised, circumscribed, so that it will not be more than a war on the British, I probably may not have much objection to that sort of strategy. But will it be a war on the British only? I have no hesitation and I do want to place before this House in the clearest terms possible that if war comes in this country and if that war has any relation to the issue with which we are confronted to-day, it will not be a war on the British. It will be a war on the Muslims. It will be a war on the Muslims or which is probably worse, it will be a war on a combination of the British and the Muslims. I cannot see how this contemplated war be of the sort different from what I fear it will be. Sir, I like to read to the House a passage from Burke's great speech on Conciliation with America. I believe this may have some effect upon the temper of this House. The British people as you know were trying to conquer the rebellious colonies of the United States, and bring them under their subjection contrary to their wishes. In repelling this idea of conquering the colonies this is what Burke said:—

"First, Sir, permit me to observe, that the use of force alone is but temporary. It may subdue for a moment; but it does not remove the necessity of subduing again; and a nation is not governed, which is perpetually to be conquered.

"My next objection is its uncertainty. Terror is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence. . . . .

"A further objection to force is, that you impair the object by your very endeavours to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted and consumed in the contest."

These are weighty words which it would be perilous to ignore. If there is anybody who has in his mind the project of solving the Hindu-Muslim problem by force, which is another name of solving it by war, in order that the Muslims may be subjugated and made to surrender to the Constitution that might be prepared without their consent, this country would be involved in perpetually conquering them. The conquest would not be once and for ever. I do not wish to take more time than I have taken and I will conclude by again referring to Burke. Burke has said some where that it is easy to give power, it is difficult to give wisdom. Let us prove by our conduct that if this Assembly has arrogated to itself sovereign powers it is prepared to exercise them with wisdom. That is the only way by which we can carry with us all sections of the country. There is no other way that can lead us to unity. Let us not have no doubt on that point.

Sardar Ujjal Singh (Punjab: Sikh): Sir, I stand here to support the Resolution which was so ably and eloquently moved by Pandit Jawahar Lal Nehru. Sir, the Resolution places before this Assembly the objective which we must have in view before we start on our labours. This is undoubtedly a unique and solemn occasion in the history of India when the chosen people of this country have assembled here to prepare a charter of liberty and a scheme of governance for the people and by the people. Sir, before we sit to work we must send a message

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of hope and cheer to the dumb millions of this country and to the world outside whose eyes at this moment are fixed upon us. And I believe this Resolution will give a new hope of an early realization of their dreams to the teeming millions, the dumb masses of this country, who have been struggling hard for the last many years to achieve freedom. Sir, in this matter of the fight for freedom, as in many others, history repeats itself. Ours is not the only country which has to struggle so long and so hard. The Goddess of Liberty must take her due toll of sacrifice from everyone. It may be that the struggle is violent and has been violent elsewhere, and non-violent in this country. For this and for many other things for which this country stands today and hopes to achieve in the future, we owe a great debt of gratitude to that master-mind, Mahatma Gandhi, whom Pandit Nehru described as the Father of the Indian Nation.

Sir, the Constituent Assembly is the culmination of the final stage of the struggle for freedom. The Resolution before this House is an expression of the pent-up emotions of the millions of this country. It can be divided into three parts. The first part deals with the declaration of an Independent Sovereign Republic of India. The second deals with autonomous units, having residuary powers with a Union of them all, *i.e.*, including the Indian States. The third part deals with social and economic freedom and justice to all and with adequate safeguards for the minorities, backward classes and tribal areas. Opinions may differ with regard to the exact wording of the Resolution or its brevity in certain respects, but taken as a whole it is an expression of the will of the people of this country.

Sir, my Hon'ble friend, Dr. Jayakar, for whom I have got the highest respect, objected to this Resolution being moved and taken into consideration on the floor of this House at this stage on the ground that we are, at this preliminary session, precluded from taking into consideration any other matter excepting those three which are set out in paragraph 19 of the Cabinet Mission's Statement. He further suggested that the House would be well advised to take this matter on the 20th of January, when we meet again after we adjourn for the Christmas. My Hon'ble friend probably knows, when we meet again on the 20th of January for completing our unfinished business, we will be meeting again in a preliminary session and if he objects to this Resolution being taken into consideration today, his objection holds good also when we meet again on the 20th of January. (*Hear, hear*).

Sir, the second point that he suggested was that we should postpone its consideration for a few weeks so that the Muslim League and the States may have an opportunity to have their say on this matter. I am one of those who regret very much that the Muslim League is not present here today in this House and also value and seek the co-operation of the Muslim League. But it is not the fault of this House that those friends are absent today and we do not know when they may join us. It is not, therefore, fair to this House, having assembled here, to wait indefinitely without knowing when the other party is coming in. With regard to the States, if my Hon'ble friend were to study the State Paper, he would find that it is clearly laid down that States will come at the last stage when we, after completing our provincial constitutions, reassemble for the Union Constitution making. Are we to postpone a resolution of this nature to the very last stage when a good part of our constitution has been framed? A resolution of this importance must be considered and adopted at the beginning of our work.

Another objection to this Resolution was taken by Dr. Ambedkar that he did not find the word "grouping" mentioned anywhere. Dr. Ambedkar should know that grouping is an optional matter and, if I may say so, almost all of us are against grouping. Even the State Paper leaves it to the option of the

Sections or the Provinces. In a resolution of this kind the Mover could not put in what the Sections may decide otherwise or the Provinces may decide otherwise.

The Indian States may find some objection to the word "Republic" being used in the Resolution. Indian States have been used to the monarchical system of government and they may have some fears on that score; but in the light of the speech of Pandit Nehruji those fears are entirely unjustified. In an Indian Republic the people of the Indian States, if they so choose, can retain a monarchical form of government in their own part of the country.

I believe, Sir, that the exact scheme when it emerges from the labours of the Constituent Assembly will be such as will be acceptable to all the elements in Indian life and will be suited to the talents and the peculiar conditions of this country.

The second portion of the Resolution deals with the Union and the autonomous units, residuary powers being given to the units. Some of us may have serious objection to the residuary powers being given to the Units, but this proposal is in accord with the State Paper Scheme and is an essential part of paragraph 15. It may be a bitter pill for most of us, but it has got to be swallowed.

The third part of the Resolution gives an assurance to the minorities and the backward classes that their interests will be adequately safeguarded. Now, Sir, in this connection my community feels that the safeguards should not only be adequate but should be satisfactory to the Sikhs and the other minorities concerned. With your permission, Sir, I would like to acquaint the House with the solemn assurances given to the Sikhs in the Congress Resolution of December 1929, passed at the Lahore Session of the Indian National Congress. The relevant portion of the Resolution which related to the Sikhs and the minorities read, as follows:

"No solution thereof (*i.e.*, the communal problem) in any future constitution of India will be acceptable to the Congress which does not give full satisfaction to the Muslims, Sikhs, other minorities."

Ever since this resolution was passed, the Sikhs have made a common cause and have fought the country's battle for freedom side by side with the Congress. Unfortunately, when the British Mission came and formulated their proposals, *i.e.*, the Statement of May 16, although they admitted the Sikhs to be one of the three main communities in India, they completely failed to provide any protection or safeguards for the Sikhs. In the case of the Mussalmans, the Mission pointed out that there was a real apprehension of their culture, and political and social life becoming submerged in a unitary India, in which the Hindus would be a dominant element. They however entirely failed to realise the same plight of the Sikhs in the Punjab which is the Holy Land and the Homeland of the Sikhs, under a Muslim majority. It was the height of injustice on the part of the Cabinet Delegation not to have provided similar safeguards for the Sikhs in the Punjab and the 'B' Section, as they had provided for the Muslims in the Union. Sir Stafford Cripps, while speaking in the House of Commons the other day, remarked that they could not give similar rights to the Sikhs in the Punjab and the 'B' Section as they had given to the Mussalmans in the Union, as a similar right would have had to be given to other minorities. May I ask whether the Mission took into consideration the other minorities when they provided safeguards for the Mussalmans in the Union Centre? They did not consider the Sikhs although they were admitted to be one of the main communities of India. On the other hand, I feel that the Sikhs have a stronger claim for having similar safeguards in the Punjab than the Mussalmans have in the Union Centre. I also feel and believe that any safeguards given to the Sikhs in Section 'B' and in the Punjab will be a guarantee for the protection of the rights of other minorities in that area. As nothing was done by the Mission, a wave of indignation went

[Sardar Ujjal Singh]

throughout the entire Sikh community and their indignation rose to the highest pitch. A resolution was passed by the Sikhs at a special meeting held at Amritsar—their holy centre, that the Constituent Assembly should be boycotted and the Sikhs did boycott the Assembly. The Congress, however, accepted the proposals of the Cabinet Mission, and eminent leaders of the Congress appealed to the Sikhs to accept the proposals also. Sardar Patel particularly pleaded the cause of the Sikhs at the All-India Congress Committee session in Bombay and our sincere thanks are due to him. In the House of Lords on the 18th July last, while speaking on a debate, the Secretary of State made significant reference to the Sikhs in the following words:

"It is, however, essential that fullest consideration should be given to their claims for they are a distinct and important community, but on population basis adopted they lose their weightage. This situation will, to some extent, we hope, be remedied by their full representation in the Advisory Committee on Minorities set up under paragraph 20 of the Statement of May 16."

He further said:

"Over and above that, we have represented to the two major parties who were both most receptive in this matter that some special means of giving the Sikhs a strong position in the affairs of the Punjab or in the N.-W. Group should be devised."

This assurance though satisfactory in some respects was not sufficient to change the attitude of the Sikh community towards the Constituent Assembly. Then on the 9th August, the Congress Working Committee passed a resolution appealing to the Sikhs to reconsider their position. The resolution stated:

"The Committee are aware that injustice has been done to the Sikhs and they have drawn attention of the Cabinet Delegation to it. We are, however, strongly of the opinion that the Sikhs would serve their cause and the cause of the country's freedom better by participation in the Constituent Assembly than by keeping out of it. It therefore appeals to the Sikhs to reconsider their decision and express their willingness to take part in the Constituent Assembly. The Working Committee assures the Sikhs that Congress will give them all possible support in redressing their legitimate grievances and in securing adequate safeguards."

The Sikhs reviewed the whole position on the 14th August. The resolution of the Congress Working Committee carried the greatest weight with them, and it was on that account that the Panthic Board, which was called at a special meeting, decided to lift the ban on participation in the work of the Constituent Assembly. The resolution of the Panthic Board decided to give the Constituent Assembly a trial to secure for the Sikhs similar safeguards as were given to the Mussalmans in the Union. The Sikh members are here assembled according to that mandate. I have great faith in the Congress leaders and sincerely hope that the assurances given to the Sikhs will be implemented without delay as the time has come for the translation of those solemn words into action.

I am sorry to take the time of the House in going in a little detail into the Sikh position, but I thought it my duty to acquaint the House with the Sikh case. Let me, however, make it clear that the safeguards which the Sikhs demand for their due and strong position in the Punjab and the North West, are meant to be provided within the India. Republic and not outside. They are anxious that all communities may live together in harmony and peace. They are prepared to live happily with their Mussalman brothers in the Punjab and the North West, even treating them as elder brothers, but not as a superior ruling race or a separate nation. The Sikhs, therefore, cannot tolerate the partition of this great and ancient land. They will stoutly oppose the establishment of Pakistan and all that it implies or stands for.

Sir, if I may be permitted to say, the Sikhs have a burning passion for freedom. No single community in the history of India has struggled so long and so hard as the Sikhs have done to drive away foreign hordes from this land; and in recent times, their record of sacrifice in the battle of country's freedom is second to none. They will continue to march with the Congress in its fight for independence with unabated zeal and vigour. (*Hear, hear*). They, however, want their

separate entity and position to be maintained and strengthened so that they may be able to contribute their full quota to the service of the country.

Sir, I realise that it is a stupendous task that this august Assembly has set itself to accomplish. There are hurdles and obstacles in our way, but I feel certain that we will be able to cross those hurdles and overcome all those obstacles if we deliberate with caution, act with decision and, if need be, oppose with firmness. With these words, Sir, I support the Resolution. (*Cheers*).

Seth Govind Das (C. P. and Berar: General): *[Mr. Chairman, in the Central Assembly and in the Council of State I speak in English as the Rules demand it; but here after so many English speeches I would like to speak in the language of my country.

I have come to speak for the Resolution and against the amendments. While speaking in favour of the Resolution I cannot resist the desire to offer my thanks to the Hon'ble Dr. Jayakar for his beautiful speech. I was surprised to hear of Dr. Jayakar's amendment yesterday. Dr. Jayakar and I have been friends since the days of the Swaraj Party. I can understand his amendment. I can understand his desire to defer voting on the Resolution until the Muslim League joins; but I fail to understand the logic of the arguments advanced by him in support of his contention. I do not want to speak on the legal aspect of his arguments. That is the work of the lawyers. What surprises me is his assertion that if we passed the Resolution now, we will finish our work without achieving what we desire. That puts me in mind of the days prior to 1920; when our Moderates were at a loss to know what to do and saw everywhere nothing but frustration and disappointment. We have not met here simply to sit together, talk a lot and then disperse without achieving any result. It will be our duty to see that we achieve results. Just at present it is not necessary to say what we are going to do and how far we are going to proceed. Suffice it to say that we shall achieve speedy and substantial results. Dr. Jayakar has spoken of war. The Congress people and the people, who believe in the principle of Satyagraha always desire peace and no war. They, however, want true peace and not the peace of the graveyard.

The greatest gift that Mahatmaji has given to the world is Satyagraha. Satyagrahis want peace but when they see that true peace is impossible without having resort to war, they get ready to give their lives in a war of *Ahimsa*. I, therefore, say we do not want war. We want peace. We neither want to fight with the Muslims nor with the British Government. If, however, the British Government wishes to fight with us making Muslims their *Shikhandi;* we will not do what Bhisham Patama did. We will not lay down our arms because a *Shikhandi* is made to stand against us. We do desire our brethren of the Muslim League to come and co-operate with us. If, however, with all our solicitations, with all our patience and with all our desire for peace, they do not come, we are not going to stop our work for them. Dr. Jayakar has not told us whether our Muslim brethren would join us if we postponed the consideration of the Resolution till the 20th January. If we were assured that they would join us, Pandit Jawahar Lal Nehru, I think, would perhaps, be the first person to say that if his Muslim brethren were coming in, he would postpone his Resolution.

Panditji told us in so many words that the Resolution was an undertaking —a pledge. When one signs a pledge, he signs it with full sense of responsibility of what he was doing. As this Resolution is a pledge when we pass it, we will pass it with a full sense of our responsibility.

The Resolution speaks of a Republic. There may be a difference of opinion whether the Republic should be a democratic republic or a socialist republic. But, to discuss it at this juncture, would be meaningless. Whenever the world is in need of a thing it creates it. Keeping in view the condition of the world

*[English translation of Hindustani speech begins.

[Seth Govinddas]

and the plight of India, we can say that our republic will be both democratic and socialist. I desire to tell the people, who feel chary of socialism and tremble at hearing of its tenets, that not only the people who have nothing are miserable but the people who possess everything, are also in sorrow. The former are miserable because they labour under the desire to possess everything and the latter are unhappy because they have to resort to hundreds and thousands of knaveries and evasions. They perform acts that are not in the least considered fair in the eyes of justice. If these people, while ignoring justice, pretend to protect and champion it, I tell you, they never get true happiness. I am myself of the people who possess everything; but I feel that if true peace is to be realized, it can only be realized through socialism. No other system can give us true peace. There can be no doubt that our republic will be both democratic and socialist.

As to preventing us from doing this work; I desire to make it known that both the British Government and the Muslim League cannot stop us from doing what we intend to do. Our country is so vast and its population is so great that even the British Government cannot now put obstacles in the way of its freedom and progress.

To my brethren of the Muslim League, I desire to say some thing; and I say it with all the emphasis at my disposal, that if the British, who are foreigners, put obstacles in the path of our freedom, nobody in history, will hold them blameworthy; but, if persons, who are born in this country, who are bred in it, and who consume its produce, try to come in the way of its freedom, they will be censured by their own progeny. As for the British, they cannot block our way to freedom; but so far as our Muslim League brethren are concerned, they may take it from me in plain words that if they allied themselves with the British to keep this country in slavish subjugation, future generations will hold them blameworthy and they will get this stigma without stopping us from achieving our freedom.

If the British Government, adhering to the Statements issued in the last few days, tried not to enact a new Government of India Act, in the light of the decisions of this Constituent Assembly, I tell them that their efforts in this respect are doomed to failure. They have always tried to keep India and other countries under their subjugation by not allowing them to solve their own problems. If, they played the same game with this country now, the time will perhaps never come for the presentation of a Government of India Act in the British Parliament and no Indo-British Treaty will ever be signed. I do not say this on behalf of the Congress. I see the future, when, if the British failed to translate the decisions of this Constituent Assembly into some solid form of action, a parallel government will be set up here and the whole of England will have to fight it. People coming from across the seven seas will not be able to win our war of *Ahimsa*. I fully believe in it.

I do not want to take more time; but before the chit comes to me asking me to stop, I appeal to you that you should pass this Resolution not as a resolution but as a pledge with full sense of responsibility of what you do and go forward in the manner of a free country.]*

Mr. Chairman: It is now 1 o'clock. The House stands adjourned till Eleven o'clock tomorrow morning. In the afternoon we have got a meeting of the Rules Committee and we shall not be able to meet here.

The Assembly then adjourned till Eleven of the Clock, on Wednesday, the 18th December, 1946.

]* English translation of Hindustani speech ends.

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CONSTITUENT ASSEMBLY DEBATES

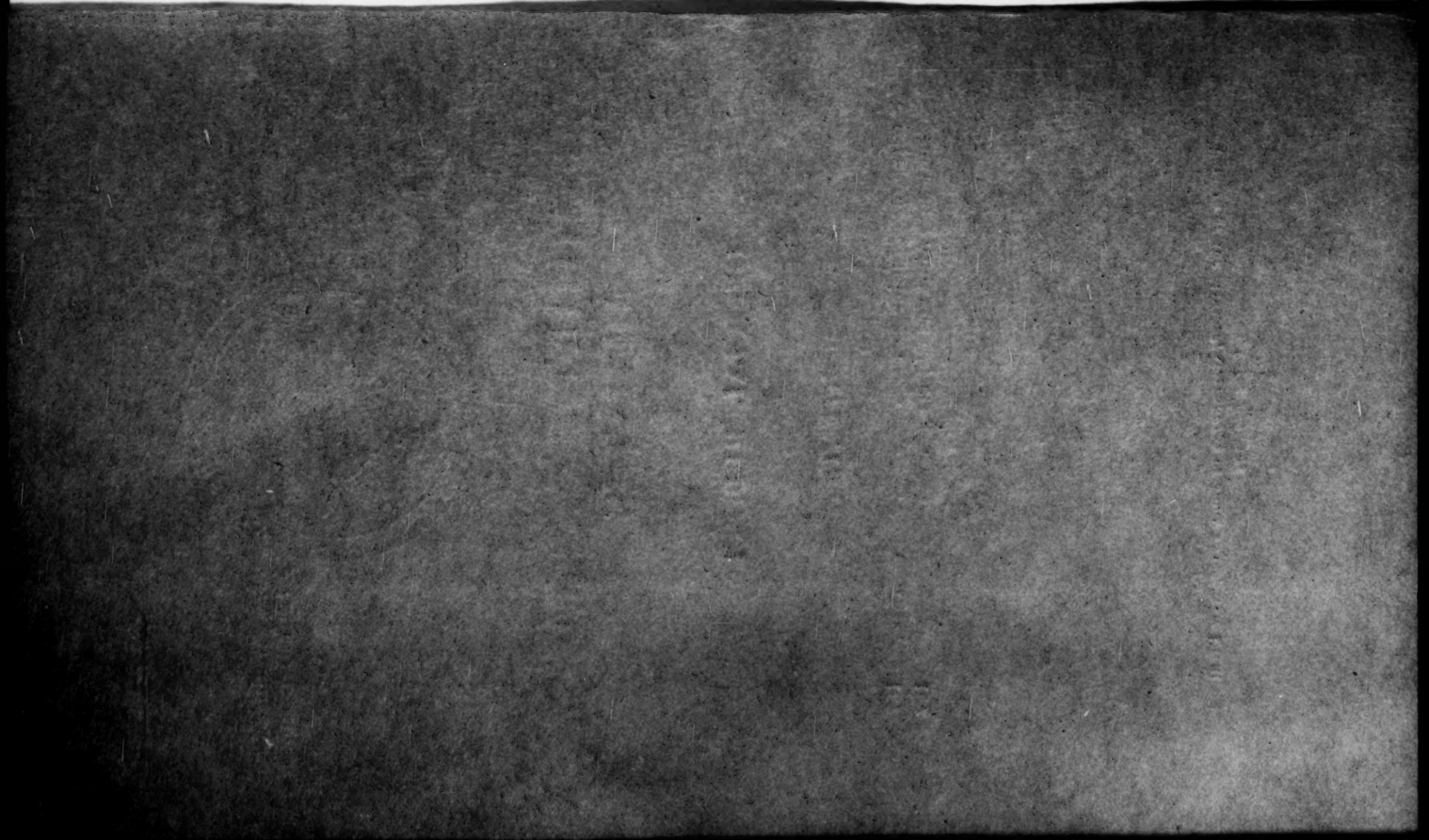
OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Wednesday, the 18th December, 1946

The Assembly met in Constitution Hall, New Delhi, at Eleven of the Clock, Mr. Chairman (The Hon'ble Dr. Rajendra Prasad) in the Chair.

PROGRAMME OF BUSINESS

Mr. Chairman: I have received a note from Mr. Mohan Lal Saksena asking me to make a statement with regard to the progress that has been made in the Rules Committee. I think it would be helpful to the Members in making their future programme if I made that statement today. We have been discussing drafts which had been prepared before and we have gone through a great part of the work, but some work still remains to be done and the final draft will have to be considered by the Rules Committee before being placed before this House. I hope we shall be able to complete this work by Friday and I propose to hand over to Members the rules in their final form as passed by the Rules Committee on Saturday, so that we may take them up for consideration by this House on Monday next. Monday happens to be the 23rd and after that we have the Christmas holidays. I do not think we shall be able to complete the rules in one day. They will take at least two days or it may be three days. If the Members agree I propose that we observe Christmas holidays for two days 24th and 25th and then the Assembly continues sitting thereafter. So on the 26th and 27th we may discuss the rules and finish them by the 27th and anything else arising out of the rules we may do thereafter. I do not think we should finish this preliminary session before passing the rules and before appointing certain committees which it is the intention of the preliminary session to appoint. This is the programme as I envisage at present. It all depends upon the House. Hard pressed as we are for time, I do not think we could afford to go without any work during the whole of the Christmas week. I think we should take holidays on the 24th and 25th of this year.

Sri M. Ananthasayanam Ayyangar (Madras: General): We would like to have the whole week of Christmas as holiday and we would like to go back during this period and meet again after the beginning of next year.

Mr. Chairman: It is not expected that the Members should go home if we have only a holiday of two days.

The Hon'ble Pandit Hirday Nath Kunzru (United Provinces: General): Mr. Chairman, it was expected by most of us when the session commenced that it would end before Christmas and on that footing we have made engagements which will keep us busy during Christmas week. I am not asking for any holidays at all. I should be quite prepared to do without them altogether, but having accepted engagements which are of a somewhat important character, it would not be possible for many of us to attend the session if it is continued after the 23rd of December. I hope, therefore, that you will be good enough to take this into consideration before deciding when the Constituent Assembly should meet again in order to pass the rules and appoint those committees to which you have referred.

Mr. Dhirendra Nath Datta (Bengal: General): Mr. Chairman, Sir you have just told us that the rules should be placed before us on the 23rd of December

and considered on the 26th, but some time is necessary for putting in amendments. I do not know what is the practice here but in the legislatures elsewhere, at least 4 or 5 days' time is given. So it is impossible to begin the consideration of the rules on the 26th and I think under the circumstances, it is desirable that we should meet on the 2nd of January.

The Hon'ble Rev. J. J. M. Nichols-Roy (Assam: General): Mr. Chairman, Christmas holidays are very important for Christians and we usually get holidays on the 24th, 25th, 26th and 27th and we shall be glad if this Constituent Assembly will meet again on the 2nd or 3rd of January. Then we can carry on as long as we want, but if we meet during this year after the 25th, *i.e.*, during the Christmas holidays, it will be very inconvenient for the work of this Assembly and will also disturb many of our engagements which we have already made during the Christmas holidays. That is all I have to place before this House, Sir.

Mr. D. P. Khaitan (Bengal: General): Sir, I am rather surprised at the way in which the Members of the Constituent Assembly have not agreed with your programme as announced by you. The work before the Constituent Assembly must gain precedence over every other work and we should proceed with as much speed as we possibly can. We should not disperse before we have passed the Rules of Procedure which are so essentially necessary. Therefore, through you, Sir, I appeal to all the Members of the Constituent Assembly to lay aside all other work and give precedence to the important work that lies ahead of us.

Shri Mohan Lal Saksena (United Provinces: General): Mr. Chairman, I would like to make the suggestion that in order to facilitate the work of the Procedure Committee this House may not meet tomorrow and it may meet the day after tomorrow in the afternoon, so that we may have the report of the Committee in full and consider the rules from Saturday and if possible we might finish it on Monday.

Mr. R. K. Sidhwa (C. P. and Berar: General): I think the House is entitled to have a number of days for studying the report and also presenting amendments. In our party meetings also we shall have to consider them. It may take two or three days. It may not be possible to finish the work in two or three days as Mr. Mohan Lal Saksena says. I would therefore support the motion that we meet on the 2nd or 3rd January after presenting the report of the Committee on 21st or 23rd.

Mr. Chairman: There are certain other public functions, which have been announced very long before, which take place in the first week of January. It was for this reason that I was anxious to complete the work of this Assembly before the year is out. For example, the Science Congress is going to begin on the 2nd January next. Eminent scientists from all over the world are coming and Pandit Jawahar Lal Nehru is going to have a very important function there, and there may be other members also who may be interested in it. Similarly, there are other functions which have been fixed. I was therefore anxious not to disturb those public functions which have been announced already and to complete our work as much as possible within this year. Of course it rests with the members of the Assembly. If they do not wish to sit beyond the 23rd, we shall have to take that also into consideration and go into the next year. The difficulties that confront us, I have placed before you. In January, there will be a further difficulty; some Provincial Assemblies will meet.

The Hon'ble Shri Purushottam Das Tandon (United Provinces: General): The business of the Provincial Assemblies can be adjusted suitably.

The Hon'ble Sardar Vallabhbhai J. Patel (Bombay: General): Sir, in a House consisting of about 300 important members, it is difficult to suit the convenience of all. We have the Budget Session of all the Provinces also. There is the Budget Session of the Central Assembly. It is not possible to meet the convenience of all. As has been rightly suggested, precedence should be given to the work of the Constituent Assembly. We will not be able to make any progress with the work of the Constituent Assembly till we have passed the Rules. The Rules we must finish before we disperse and then we can adjourn. The preliminary session may not be finished during this month or even in the first week of January. Therefore to suggest that we should meet on the 3rd or 4th January is not practicable. With all the inconvenience that we may have to put up with, we must finish the Rules. Therefore, if as the Chairman has suggested, the Rules are ready on the 23rd, either we give up the holidays on 24th and 25th or we come on the 26th and 27th and finish the Rules. Then we can fix the date for adjournment. Without the programme being fixed, we will not be able to dispose of our work. Therefore, let us provisionally fix the programme and then consider other matters.

Sri K. Santhanam (Madras: General): I wish to suggest that the Rules may be placed before the Assembly as they are ready. Why should we wait till all the Rules have been completed. We can take them up from tomorrow or this evening. I am really surprised that the Committee should not have been able to draft even a portion. We can take up portions and go on passing them. When they are completed, we shall have also completed.

Mr. Chairman: I do not think it is possible to take up the Rules piecemeal. We have to take them as a whole.

The Hon'ble Shri Purushottam Das Tandon: I suggest, Sir, that we should keep in view that a large number of members have already entered into engagements for the Christmas week. It is no good telling us now that we had no business to enter into such engagements. Ordinarily, it is supposed that during the Christmas week, we will not be working here actively. Of course, members will give some part of their time to the Rules if presented to them before we disperse. They should be given some time to think over them. As has been pointed out, possibly the Parties also may have to consider them in their party meetings. I think, Sir, we should not take up the question of rules during the Christmas week; sufficient time should be given to the members to think over them, to digest them and to send in amendments. We can meet some time in the first week of January.

Mr. Chairman: Now we have heard different speakers and their opinions. We shall take some decision tomorrow after consideration of these points. In the meantime, we will proceed with our business. We take up the discussion of the Resolution and the amendments.

RESOLUTION *RE*: AIMS AND OBJECTS—*contd.*

The Hon'ble Rev. J. J. M. Nichols-Roy (Assam: General): Mr. President, Sir, thank you for giving me this opportunity to speak on this Resolution. I stand here to support the Resolution moved by Pandit Nehru, with all the force that I can command. This Resolution contains all the principles that need to be enunciated in such a kind of Resolution to be placed before this House. First of all, it has stated the objective that we all in India have in our minds, that is, to proclaim at a certain date the independence of India. Here we have only resolved that we shall proclaim the independence of India and we have that firm resolve in our minds to get the independence of India. That is the desire of every one in India. I cannot imagine that there will be anybody in

India from one end of India to the other end, who will be against that kind of objective. Then it proclaims also that the kind of Constitution that we shall make will be a republican form of Government,—a democratic form of Government,—a Government by the people and for the people. That is surely the desire of all the people of India. It is true that there are some monarchies in India but we envisage the time when all these monarchies will become at least wholly constitutional monarchies like the Monarchy of England, and we believe that even the people of all the States envisage that in their own States there will be a democratic form of Government. Therefore there can be no objection at all to these declarations that we have in this Resolution. Then it speaks of the territories which will be included in the Union of India and it is comprehensive enough. Then in the third para it speaks of autonomous units—that those autonomous units which are now autonomous according to present boundaries or with such other boundaries as they may have afterwards,—these units or territories will remain autonomous units together with residuary powers and will exercise all powers and functions of government and administration, save and except such powers which are assigned to the Central Government. This is our desire, this is the desire of all the people of this country. It is the object before us that each Province will be autonomous. In this connection, Sir, I want to say that it is very unfortunate that the idea of Sections was introduced in the Cabinet Mission Declaration and that in a Section according to the latest interpretation given by His Majesty's Government a certain Province will be outvoted by the majority of members of another Province. I speak especially in connection with Section 'C' which relates to Assam: Assam is a non-Muslim Province. There are 7 non-Muslims who are representatives of Assam in this Constituent Assembly and 3 are Muslims. I am sorry that my Muslim friends are not present here, in this Assembly. I wish they were here. In Bengal, Sir, there are 27 non-Muslims and 33 Muslims. If we are brought into a Section, there will be 36 Muslims and 34 non-Muslims and if the voting in that Section will be by a majority vote, a simple majority vote as interpreted by His Majesty's Government, it will mean that our Constitution, our Assam Constitution, will be framed by the majority of the people of Bengal, that is the Muslim League. We cannot conceive of anything that is so unjust as this, Sir. (*Cheers*). It is a matter which should be considered by all the members of this Constituent Assembly. When the Cabinet Mission made its Declaration, we in Assam thought that such kind of interpretation might be given in the future but we took it for granted that the Cabinet Mission would not be so unreasonable as to place Assam which is a non-Muslim Province to come under a Muslim Province and that our constitution would be framed by the majority of the members in the Section. We never thought that it would be like that, because we considered that it is unjust for the people of Assam to be placed in such a position. In the month of June 1946 we had a public meeting in Shillong. I happened to be the Chairman of that meeting. We were discussing about the Declaration of the Cabinet Mission and in that meeting I said this:—

> "From this paragraph 15 (v) of the Cabinet Mission's Declaration I understand that each Province has freedom to form or not into a group suggested by the Cabinet Mission. Secondly, that the grouping will be, as independent provinces, to discuss what subjects could be taken as common subjects to be dealt with by the group. Thirdly, that if a province does not agree in regard to subjects which may affect it vitally, there will be no group constitution as recommended by para 19 (v) of the Declaration. Fourthly, that if one province, in the discussion, finds it impossible to settle the question in the group, it will not be forced by a majority vote of the members of another Province. Fifthly, that the whole question will be brought before the whole Constituent Assembly which will have the power to decide finally."

That is what we understood by the Declaration of the Cabinet Mission, and, I believe, Sir, that was also the view which the Congress took at that time. I was very much gladdened by the declaration of Sardar Vallabhbhai Patel the

other day that the Congress had not up to the present time accepted the interpretation of His Majesty's Government. Sir, we still hold that position. It appears to me that the British Cabinet Mission has changed its mentality from what it was when they were here in India. When they were in India they were under certain circumstances and were influenced by the opinion at that time in this country. When they have gone back to England they are placed under a different circumstance, influenced by the Conservative Party there, and the force which Mr. Jinnah has placed upon their minds. They have changed their opinion altogether. That is what appears to me. I would like to know from Lord Pethick-Lawrence whether in reality there was that idea in the minds of the Cabinet Mission when they were here in India. There was nothing in any of their declarations, in any of their writings that said that the vote in the Sections would be by a simple majority vote. The principle of driving by force a non-Muslim province to come under a Muslim province is absolutely wrong. Mr. Jinnah has forced His Majesty's Government to commit this great injustice to our Province, and we feel, Sir, that we shall have the sympathy and support of this august body, that our Province may not be driven to that pitiable condition. I want Mr. Jinnah and the League Members to be here and I want them to come here to take part in the framing of the constitution of India. I will expect him and all the others to be just. I do not want anything else except that they will act like gentlemen and be just. It is unjust, everybody knows, that we should be forced into such a position in which we are now placed by the recent interpretation of His Majesty's Government. We are an autonomous province and a non-Muslim province. Why should we be forced to go to that kind of a Section which could outvote the province of Assam and frame the Constitution according to the desire of the majority, created artificially. Now, Sir, it may be said that this will at once bring a conflict between the British Government and this Constituent Assembly. This need not be. Someone said to deviate from the four walls of the Declaration of May 16th and to give a different interpretation would be revolutionary. This Constituent Assembly need not adopt that attitude at all. I believe that we can adopt a friendly attitude. We shall say to the British Government: "We thank you for the good effort you made to bring a compromise between the Hindus and the Muslims. You have given to us good advice and made good recommendations. You have acted as makers of peace. We shall, as far as practicable, implement your recommendations, but we shall, like responsible persons, be free to deviate from them whenever we find it is impracticable and unjust to carry out literally to the letter any of your recommendations. We shall frame a constitution which will do justice to all minorities and which shall not overlook any community. If the members of the Muslim League will co-operate, we shall heartily welcome them. After we have finished framing the constitution, the whole of India will get the opportunity to see what kind of constitution this Constituent Assembly has framed; we request you, British gentlemen, not to make speeches in Parliament which will suggest revolutionary activities in India. Kindly co-operate with us quietly until we finish our work, and then judge our work." Then only the British Government will have the opportunity to see what kind of a constitution this Assembly has framed. Then, and not till then, can they say that this Constituent Assembly has been just or unjust to a certain community or to the Muslims. We do expect that the Muslim community will come here and co-operate in framing the Constitution of India. There is no one who wishes their attendance here more than I do. I have some very good friends of mine among the members of the Muslim League and I would like to see them come here and co-operate with this Assembly.

I now turn to another portion of this Resolution, namely, paragraph 5 and before I do that, I must point out another thing. I envisage that in the

autonomous Provinces there will be units in a Province which will be self-governing and which will be connected with a Province. This will be necessary no doubt, in a Province like Assam.

Now, to turn to paragraph 5. In this paragraph we have provisions regarding justice and freedom,—social justice, justice in the economic and political field, ensured to all. Political justice, no doubt, will mean that every community will get representation in the legislatures as well as in the administration of the country. Therefore, there need be no fear in the mind of any community that this Constituent Assembly will not look after their interests.

Then there is mention, here, of the freedom of thought, expression, belief, faith and worship. There was a propaganda made in this country by some parties that when there will be self-government in India, some religious faiths will not be allowed to propagate their faith. This is really false propaganda. This Resolution has declared that this will not be the case. There will be provision in the Constitution of India for the freedom of all religious faiths and for the propagation of those faiths according to their own desire. I am particularly glad that this para. speaks of association and action, subject to law and public morality. Public morality needs to be protected by Government and righteousness needs to be exalted. "Righteousness exalteth a nation, but sin is a reproach to any people".

I would like to speak on other points of this Resolution, but I don't think I need dwell on them at all. There are difficulties and hindrances before us. India is not an exception to difficulties of this nature; such difficulties confronted Canada, Australia and even the United States when they were engaged in the work of framing their constitutions, and some parts of those countries did not come into the constitution at the beginning, although they came in afterwards. That very same thing may be repeated here in India. We shall have to go on framing the constitution and then when that is placed before the world and before this country, it will then and then only be the proper time for the people of England or the British Government to say that it is not a constitution according to their Declaration. Before that happens, they should not try to prejudge what this Constituent Assembly will do and thus cause obstruction to our work.

Mr. Chairman: The Hon'ble Member has exceeded his time.

The Hon'ble Rev. J. J. M. Nichols-Roy: I want to speak on only one more point, which has impressed me from the speech of Viscount Simon in the House of Lords. Viscount Simon has said that this Constituent Assembly, if it carries on the work of framing a constitution for India, will "threaten" India "with a Hindu Raj". I was very much surprised when I saw these words in a newspaper this morning. When I was in western countries—in England and also America, I was impressed by the fact that some people in those countries had an idea that a Hindu is a man who is steeped in his caste system and who worships a cow. If this is the idea which Viscount Simon has when he refers to a Hindu Raj, *i.e.*, that the people of India will be forced to perpetuate the caste system and to worship a cow, then he is entirely wrong. If the people who are assembled here,—whether they be Hindus, Muslims, or Christians, or whatever other religion they may profess—if they frame a constitution which will be a democratic constitution, which will do justice to everybody, why should that constitution be called a Hindu Raj? And if by 'Hindu' is meant people who live in India, surely we should have a constitution for the people of India. That is exactly what we want: we want a constitution to be made by the people of India, but if some people in India do not want to come into the constitution just now, they will come afterwards and I envisage a time when they will all enter into this constitution and make

India one country,—one united country,—with a democratic form of government. I have faith that all these hindrances will be removed by prayer to God. Let us follow the example of Mahatma Gandhiji—our Bapuji and pray to God. Let us pray to God that all these hindrances may be removed from our way and that we may be able to carry on the work of framing a constitution which will be a blessing to our whole country.

Mr. R. K. Sidhwa (C.P. and Berar: General): Mr. Chairman, Sir, the demand made by the Indian National Congress for framing a constitution for free India has now became an accomplished fact. We are here to frame a constitution for India and we are sure—whether our friends the Muslim Leaguers whom we welcome—speaker after speaker has stated that they miss their presence here—whether they come in or not, let me state, that with all the threats that have been now thrown at us by the Britishers during the last four or five days in the House of Commons and the House of Lords, we shall proceed with our business and shall frame a constitution which they dare not refuse to implement. If they choose not to implement it when the occasion arises for them to do so, then we know how to implement it. Sir, if poverty has to be eradicated from India, to bring human happiness to this country and our constitution should be based on the socialist principle and such a constitution, I am confident, when it is completed will be welcomed by all in this country and also outside this country. Much fetish has been made many a time about the minority question. Sir, all reasonable safeguards and all interests will be reasonably considered while framing this constitution but I do not understand why the question is brought to the forefront. In this very resolution, in paragraph 3, you will see how we have safeguarded, without anybody else's telling us, the interests of the minorities. Paragraph 4 relates to residuary powers, which we have accepted, not because the British Delegation want us to do so. This matter had been receiving the serious consideration of the Congress, as you know, Sir, for a number of years, and to allay the fears of the Muslim Leaguers, we came to a decision in August 1942 that there should be residuary powers in the provinces. Many of us even to-day do not like the residuary powers to be vested in the provinces ; we want a strong Central Government. If a free vote is taken in this House or in the country, they will oppose residuary powers being vested in the provinces. But simply because we want to allay the fears of the Muslim League, imaginary or real, we respect their feeling and accepted that residuary powers shall vest in the provinces. May I ask who came forward to safeguard the interests of the minorities ? It is the Congress and the majority community that have said that the provinces shall have residuary powers. Whether leaguers are here or not, as Hon'ble Congressmen we will stick to that resolve. We do not want to go back, even if the Muslim League choose to remain absent upon that pledge ; even though we do not like it we shall implement it. That is one instance that I want to point out to the Britishers when they tell us how we are ourselves alert in safeguarding the interests of the minorities. But if you make unreasonable demands, it is certainly not possible for the majority community to be converted into a minority community. In this very paragraph there is a reference regarding redistribution of provinces. I am a firm believer in the redistribution of the present provinces. (*Hear, hear*). The present heterogeneous way in which, without any thought, or without any sense these provinces have been formed, requires immediate revision. Coming from the Province of Sind, as I do, I know ten years ago when we were separated from Bombay there was 22 crores of rupees of debt to the Government of India. We have wiped off that debt in 7 years—I do not want to enter into the details of the advantages that we have achieved by separation. But what I would state is that this paragraph is so guardedly framed as to respect the feelings of the Mussalmans, so that the present provinces may be taken into consideration in going into Sections. If I were free I would suggest an amendment that the provinces should be redistributed straightaway and the boundary commission appointed immediately and then the constitution should be framed. But here also we want to keep to our promise to go into Sections within the framework of the Declaration of May 16. I point out these things in order to show to the world that without any interference or dictation or advice that has been given to us day in and day out in the House of

Commons and in the House of Lords—the mischievous statements and mischievous speeches that are being heard from the British to-day,—we do our legitimate duty. We cannot tolerate this kind of propaganda, which have falsely raised the question of minorities and raised the usual bogey of communal disturbances. When the Delegation came they were in a different mood because there were political riots. The army, the navy and the air force were in revolt before they came. It was a political riot. Now, Sir, the Services in India feel that their days are numbered. They have started making capital of communal disturbances. Now that there is communal tension the British Cabinet want to go back upon what they stated when they came over here. The British Government have told us that, if we do not frame the constitution according to their interpreting clause 15, it shall not be forced upon the minority community. I come from the minority communities, it is a very small minority comparatively an insignificant number, but still that community, as the world knows, although we are a lakh of Parsis only—the Parsi community is known all over the whole world. As Babu Purushottam Das Tandon pointed out in seconding the Resolution, in the earlier days of this country's history, whosoever came in this country were welcome. 1300 years ago when we were driven away from Iran so the history say, and were wandering in the sea for three months, nobody gave us a shelter excepting the Jadhwa Rana of Sanjan in Guzerat. We are grateful to him. We have had no grievance against the Hindu community, so long as we have been here. The Parsis have taken prominent part in politics, social and industrial enterprises; amongst the founders of the Indian Congress that great man Dadabhoy Naoraji was one. (*Cheers*). In 1909 from the presidential address in Calcutta he coined the word "Swaraj". Parsis were the pioneers in the industry of shipbuilding and textiles. They were the first to introduce female education, so in charitable organisation like hospitals irrespective of caste and creed. As recently as 30 years ago the Iron and Steel industry of India which is the second largest in the whole world was started by the Tata family. I do not say all this to glorify my community. All I want to show is that the majority community have never forgotten us : and on our part we have not lagged behind in taking part. We were forced by the British people to ask for separate electorates. We have refused. In the general electorate our community's interests are absolutely safe. I know of an instance where 30 years ago the mischief of separate representation was forced for the purpose of upholding British rule in this country. In Sind we had in the local bodies general representation without any communal representation. The then Commissioner of Sind called some of the Mussalmans to the Government House and told them secretly, "You give us a representation demanding separate electorates and I shall recommend to the Government of Bombay". Such representation was given and ever since there are separate electorates in our Sind Municipality. Thus, we have seen with our own eyes how mischief is played by the British by dividing one community against another. Parsis have been asked many a time to demand separate electorates. We have refused and replied, "We are quite safe with our majority community." See the goodness of the majority community in this very Assembly. We have all been all elected by their votes. May I say that those who opposed our cherished goal of achieving freedom were opposed to our goal for they have also been elected by the majority community. We do not consider anybody a foe although they may have opposed our cherished views or cherished demand, I mean the Anglo Indians, yet we have elected them. This is a magnanimity which one ought to appreciate. What kind of safeguard do the Britishers want unless it is to create the usual old mischief? But let me tell the British Government, the time has come when this mischievous propaganda that is being carried on intentionally to-day to disturb the Constituent Assembly work cannot help them. We shall proceed with our work. We shall proceed in spite of the difficulties and hurdles and machinations that have been carried on in season and out of season, particularly at this juncture. Instead of Sir Stafford Cripps or the Secretary of State telling Mr. Jinnah "You got the interpretation of particular clause, as you want and you must stop the propaganda of Pakistan." The Cabinet Mission discussed, investigated and have come to the conclusion that Pakistan is neither feasible, practicable nor advisable and therefore that question is buried once and for all. Yet now in the Parliament during the recent

debate have you said a single word to Mr. Jinnah, to stop making speeches of pernicious, poisonous propaganda on Pakistan ? Mr. Jinnah, day in and day out, whenever he goes either to a press conference or in his statements, goes on reiterating the story of Pakistan. We do not know therefore what he wants notwithstanding the decision that the British Delegation has given in their Statement of May 16.

Unless the British Government want to go back upon it, they should tell Mr. Jinnah to stop this propaganda, poisoning the minds of the people which causes communal disturbances in this country. Instead of telling him so, they have the Effrontry to give advice to the minority community. We cannot understand what is it that they really want and what is it that is working in their mind. Was it to frustrate our object of meeting here on 9th December that they invited the Muslim League to London ? But, all honourto our leaders ; they stuck to their decision to hold the first meeting of the Constituent Assembly on 9th December despite the fact that the Hon'ble Pandit Nehru had to go to England the previous week, assuring us that he would return on 9th December and participate in the opening ceremony of the Constituent Assembly. We have been thwarted in many ways. They want to stop our work. That is clear from the speeches delivered in the Parliament. A day ago we were told " You can go to the Federal Court, and take decision soon". Next day the Secretary of State says : ' You may go to the Federal Court ; but we are not bound by any decision that the Court takes ". Have we not met here in very large numbers in this Assembly ? We will go on with our work. We will face any difficulty that arises and try to solve it as we have done in the past. We have already prevented great harm being done to the major community. We have done that in the past and we shall do that again in order to bring about solidarity and drive away the British people from this country. We can do that.

But let me ask why is the Muslim League remaining out ? They want the British people to tell us that even if we assemble here and frame a constitution, they would not implement it. Let them say so. We will draw up a constitution and place it before the bar of public opinion. We have in this world unbiassed countries of unbiassed mind who will judge our actions rightly, justly and truly. Only a jaundiced eye will see everything yellow and wrong. In the South African dispute the United Nations Organisation Delegates supported our just cause although Britishers opposed us. Our cause is just, we shall proceed with our work and prepare a Constitution which will be one to be proud of. (*Applause*).

Sri Biswanath Das (Orissa) : Sir, I support the Resolution on behalf of the delegates from Orissa. The Resolution moved by the Hon'ble Pandit Jawahar Lal Nehru is divided into four parts. The first part contains the main objective for which we have been fighting. The second part refers to the territorial jurisdiction of a free, independent republic of India, including land, air and sea. The third is a declaration that we derive power and authority from the people, while the fourth is a very necessary and essential one, beginning with individual freedom in safeguards for tribal areas and the rest.

Sir, these are the necessary preliminaries to any constitution. It would be therefore unfair and undesirable if we do not face the problem at the start. There is no opposition to this Resolution, as the amendment moved by the Right Hon'ble Dr. M. R. Jayakar only seeks to adjourn its consideration for a month. The Hon'ble Member admits that he fully agrees with the subject matter of the Resolution. I fail to understand how a month's adjournment would make any difference.

Sir, a substantial contribution to the discussion was made by my friend, Dr. Ambedkar. He said he has no objection to the other paragraphs of the Resolution except paragraph 3 which has left out the word 'grouping'. Sir, in this connection I have to make an appeal to him. The objection to the omission of the word 'grouping' need not be taken seriously, because we have stated

nothing in the Resolution against grouping. That very fact keeps the matter of grouping open, absolutely wide open. I would at this stage refer my friend Dr. Ambedkar, to paragraph 19 (5) of the Cabinet Mission's Scheme wherein it has been specially stated that the Sections are to decide whether any group constitution shall be set up. Sir, we all know that the Working Committee of the Indian National Congress gave an alternative proposal regarding this. The Cabinet Mission criticised this proposal of the Working Committee and their comments are in para. 14(2). Under this scheme, if the Provinces wish to take part in any economic and administrative planning on a large scale, they would cede to the Centre optional subjects in addition to the compulsory ones mentioned by them. Having stated the position taken up by the Working Committee of the Indian National Congress, the Cabinet Mission offers its comments. The Mission say it would be very difficult to work a central executive and legislature in which some ministers who deal with compulsory subjects are responsible to the whole of India, while other ministers who deal with optional subjects would be responsible only to those provinces. Sir, with this objection the Cabinet Mission has ruled out the suggestion offered by the Working Committee. It will be very difficult, if not impossible, for small provinces to rise to their full stature if they do not have the guidance of the Centre. In this connection, I am not referring to Sections 'B' and 'C'. I am referring to Section 'A' where provinces like Orissa, Bihar, C. P., Madras and the rest are concerned. Sir, the Congress acceptance of the division of India into linguistic provinces means the creation of a number of small provinces. A number of small provinces like Orissa, Kerala, Karnataka and the like will be put to the greatest handicap if they have to make their own plans, administrative and economic. Under these circumstances, it may be that these provinces will cede all the connected powers to the Centre. There is thereafter no reason why there should be any objection. These and many other such considerations may come up later on in Sections. If the door is open without being shut it is for such proposals which may be made later on. Under these circumstances, I believe my hon'ble friend, Dr. Ambedkar, will see that it done to afford opportunity to those provinces who come under Group 'A' I believe this explanation will satisfy Dr. Ambedkar and he will have no objection to the omission of the word "Group".

In the Resolution that has been moved, the Hon'ble the Mover has very frankly placed all his cards on the table. There is no hide and seek. All the points are placed so that the States and the Provinces will find it convenient to see at a glance. Sir, I see that the Secretary of the States' Negotiating Committee has made a statement objecting to this Resolution. Their objections, are based on two points. The first is that they object to the term "independent sovereign republic". Secondly, their objection is centred round the fact that power derives from the people. They would not admit that power is derived from the people in the Indian States. Sir, paragraph 14 of the Cabinet Mission's Statement lays down that after the withdrawal of Britain, paramountcy disappears. In Great Britain, it has been recognised by Statutes that power emanates from the people. Parliament derives its power from the people of Britain and the same Parliament is exercising the power of paramountcy. That being the position, I do not see any reason why the State Rulers and their representatives should object to these expressions. Sir, after the withdrawal of Britain, there is no reason for anyone to think that India would think of any other form of State than a republic. A republic does not necessarily mean the wiping off of the States. That apprehension is unfounded. The Cabinet Mission's Statement lays down that these are left to negotiations. Frankly, there is no reason for any apprehensions. They have appointed their Negotiating Committee and we have to appoint our Committee. The whole thing is thus left to negotiation.

Having said so much about the Resolution, I come to the question of certain statements made in the House of Commons. Sir, you know that a discussion on India has been thrust on the British Parliament by the Conservative Party. The leader of that party and a number of other important members of the party have contributed to the discussion, although both Labour and the Liberals stated that a discussion at this stage was unfortunate. Sir, important members of the Conservative Party have stated that this is a Caste Hindu Constituent Assembly. I am very glad that the representatives of the minority communities in India have already given their reply to this unwarranted suggestion, and I hope that other representatives of minorities will by their speeches give a decent burial to this suggestion which has been manufactured for consumption at Home and for foreign consumption and propaganda. Sir, we have in this great Assembly not only the representatives of the Hindu population of the Hindu majority provinces but also the representatives of Hindu minorities in Muslim majority provinces. We have also the representatives of the Scheduled Castes, Christians, Sikhs, Parsis, Anglo-Indians, and of Tribal and partially-excluded areas. We have amongst us also the representatives of the great Muslim community barring the leaders of the Muslim League. Under these circumstances, it is most unfair and unfortunate to call —and more so to utilise the forum of the British Parliament for foreign propaganda—that this great Assembly, the representatives of the Great Indian nation, is a Caste Hindu institution. Much has been made in the speeches in Parliament on the score of minorities. I should like to know a country which has no minorities. Even England has got her own minorities. Are not the Welsh a minority. So also are the Scots. The Welsh people are of a different race and language and are distinctly separate from Britain. In the U.S.A. we have got linguistic and racial minorities. So also in the U.S.S.R. Under these circumstances, it is unfair for the Conservative leaders in England to carry on propaganda against this country and the Constituent Assembly. It has been clearly seen that Mr. Jinnah and Mr. Churchill have become strange friends. My own surprise is that a statesman like Mr. Jinnah should have fallen into the trap of Conservatives and particularly that of Mr. Churchill. Everyone knows and the history reveals how the Conservative Party have made use of persons and institutions in every dependent country. That being the position, it is easy for Mr. Jinnah to realise how he and the League have been made use of by the British Conservatives. It remains therefore for us to see who utilises whom and to what extent. Let us hope that the Conservatives pay in the long run to find to their surprise that they and they alone pay in the long run and Mr. Jinnah comes out sane and sober.

The Hon'ble Pandit Hirday Nath Kunzru (United Provinces: General): Mr. Chairman, judging from some of the speeches delivered in this House, it seems that the amendment before the House has been treated by some speakers as having been inspired by a spirit of hostility. As I view it, however, its object is not to obstruct but to facilitate the work of this Assembly. Its purpose is to create an atmosphere which will enable us to realise rapidly and smoothly the great aim that we have set before ourselves. I think I shall not be far wrong in saying that there are men in every part of the House who sympathise with the amendment moved by Dr. Jayakar. This very fact should suffice to convince every unprejudiced man that the object of the amendment is not to place unnecessary obstacles in our way but to pave the way to certain success. I go further and say that if the newspaper reports are correct that the next session of the Assembly will take place towards the end of January, it shows that the House feels that it ought to postpone the decision of important questions for a while on psychological grounds. The object of such a move can only be to assure all those whose interests are affected by any decisions that we may take that they will have an opportunity of expressing their views before those

decisions are taken. I congratulate all those who are responsible for this decision. It is wise on our part to make every section of the people in India realise that we do not want to impose our will on any party or community, but that such decisions as we may arrive at will be the result of joint discussion carried on with the sole object of enabling India to achieve her independence and protecting the just rights of the minorities and the backward classes. This amendment seeks to do nothing more than those who are responsible for the decision that I have already referred to. It only pleads for that comprehension for which Sir Radhakrishnan pleaded so eloquently in his stirring address and which he said was one of the dominant characteristics of the ancient civilization of India.

Sir, Dr. Syama Prasad Mookerjee asked us yesterday whether, if the view embodied in the amendment is accepted by the House, it will be able to do anything for a long while. Would it, for instance, be able to do anything till the representatives of the States were able to take part in the drafting of the Union Constitution? I do not personally think that this objection has any force. If the object on which stress is laid in the Resolution before the House is to be realised, it is obvious that it can be realised in a large measure only by the Union Constituent Assembly which will draw up the constitution of the union.

The resolution may, in some measure, give a lead to the Section Committees; but even Section Committees are hardly likely to meet before April or May next. In any case the principal body whose work will be guided by the directive embodied in this resolution will be the Union Constituent Assembly and it will meet only after the Section Committees have done their work. It is obvious, therefore, that a postponement of the discussion of Pandit Jawaharlal Nehru's resolution will not retard the work of the Assembly in the slightest measure. Since its main purpose is to guide the deliberations of the Union Constituent Assembly, no harm will be done if its discussion is postponed for a while so that we may enable all those sections whose interests are affected by the resolution to have an opportunity of expressing their views. Some of the States representatives have already protested against the immediate acceptance of the resolution by this Assembly. Their views may be right or wrong. We are not in the slightest degree concerned with this. What ought to concern us is that if the resolution is passed immediately, it will be a unilateral decision. The House will have ample opportunity later of affirming the objectives outlined in the resolution. There need be no fear that postponement of the resolution would mean the torpedoing of the purposes embodied in it. Indeed, I feel that a slight delay will strengthen our hands in dealing with this important subject.

Sir, there is another question, of considerable importance which Dr. Syama Prasad Mookerjee put to us yesterday. He asked us whether we accepted the position that unless the Muslims agreed to participate in the work of the Assembly, nothing should be done. I fear that the real reason for the opposition to the amendment is this feeling voiced by Dr. Syama Prasad Mookerjee that any postponement of the resolution would bring the work of the Assembly to a standstill. Dr. Mookerjee rhetorically asked Dr. Jayakar why, holding the views that he does, he agreed at all to join the Constituent Assembly at this time. I think, Sir, that it would have been most unwise to lend any countenance to those who desired that the convocation of the Assembly should be indefinitely postponed. We have, I think, achieved a great deal by compelling the Viceroy to adhere to the date originally fixed for convoking the Assembly. Had the Assembly not been convened, its future would have depended on the discretion of the executive. That discretion has, however, now passed out of the hands of

the Viceroy or even the British Government. It now rests with this House and with you, Sir, as to when its next session should take place, or how and by what stages its work should be brought to a completion. As regards, Sir, the question whether this Assembly can do anything in the absence of Muslims, my reply to it will be very brief. It has been supposed by a good many speakers that if we admit the right of the Muslim League and the Indian States to participate in the discussion of the resolution before us, we shall be giving them absolute power to block the work of the Assembly. I think this shows a misapprehension of the existing position. Judging from the speeches delivered in the House of Commons and the House of Lords by the spokesmen of the British Government, all that the British Government desire is that there should be agreement with regard to the procedure to be followed regarding the formation of Provincial Constitutions and groups. The interpretation of para. 19 of the Statement of May 16 is the only point at issue. I understand that the matter will soon be referred to the Federal Court. I hope therefore that the way will soon be open for the participation of the Muslim League, in the Constituent Assembly. If, however, this is not the only ground on which the League is abstaining from joining the Assembly, and if even after agreement has been arrived at with regard to the procedure to be followed by Section Committees, the League representatives refuse to come here, I do not think that they will be entitled to ask that the proceedings of this Assembly should be adjourned *sine die*.

The last para. of the Statement issued by the Cabinet on 6th December has created a good deal of apprehension. In the present political situation it is obvious that it might be taken advantage of by those in whose interest it might be to prevent this Assembly from functioning properly. But on the whole it seems to me that the speeches delivered in the House of Commons and House of Lords disclose no such sinister intention on the part of the Labour Government. If the Muslims insisted on any condition not contained in the Statement of May 16th, I agree with Sardar Vallabhbhai Patel that we should refuse to agree to it. We cannot allow ourselves to be frustrated by the intransigence of any party. We are prepared to take into account all its reasonable demands but we cannot agree in any circumstances, to allow it to decide the fate of this Assembly. Should such a situation unfortunately present itself, we shall be entitled to remind the British Government of Mr. Attlee's promise that the minorities will not be allowed to veto the progress of the country. The Secretary of State for India has himself re-iterated this pledge. We need therefore have no fear that if the Muslim League representatives refused to attend the Assembly even after agreement had been arrived at with regard to the interpretation of paragraph 19 of the Statement of May 16th, that their intransigence will be allowed to hold up the work of the Assembly. Sir, for these reasons, I give my hearty support to the amendment that is before us. My support, however, should not be misunderstood as implying that I am in favour of the clause in the Statement of May 16th which relates to grouping. I personally see no reason why any Province should be compelled to enter a group. I see in particular no justification whatsoever for compelling Assam to form a common Government with Bengal for any purpose. What has happened in Noakhali and which has led to the deplorable events that recently occurred in Bihar has justifiably increased the apprehensions of the people of Assam. But grouping, as the Cabinet Mission have here been pointing out almost since the very day on which their statement was issued, is an essential feature of their plan. Without agreement on this point, they assert, the Assembly will not enjoy that moral authority which a gathering of this kind ought to. This is not satisfactory from our point of view but we shall be able to deal with the position of the Provinces that are compelled against their wish to become members of a group later on when the reports of the Section Committees are before us. I repeat,

Sir, with all the strength that I can command that the insistence of the British Government on driving unwilling Provinces into groups is morally speaking completely unjustified. But as I have already said before, we shall have time to consider the Constitution as it emerges from the Section Committees and the Union Constituent Assembly later on.

For the time being, Sir, we are only concerned with the question whether the discussion of this Resolution should be proceeded with immediately and whether any harm would be done if it were postponed. I have shown that no harm whatsoever will be done if we waited till the representatives of the Muslim League and the States are able to participate in the discussion of this important question. Even if we pass this Resolution now, shall we morally be able to say 'no' to the representatives of these interests, should they ask us later on that the fundamental questions to which the Assembly might assent by passing this Resolution should be re-considered. I am sure, Sir, that should such a position arise we shall not find it in our hearts to refuse the request, of the Muslim League representatives and the Indian States.

One word more, Sir, and I have done. There are plenty of difficulties in our way, both in India and in England. There are still men like Lord Linlithgow who think that British authority can be re-asserted in India. They are suffering from a dangerous delusion. If England allows itself to be guided by such men, it will be confronted with a far more serious position than any that she has been faced with during the last 25 years. It may for a while and only for a while, be able to keep India down by force but it will not be able to govern it even for a day. I am sure that the Labour Government realizes this, and has no intention of accepting the advice given to it by men like Mr. Churchill and Lord Linlithgow or even by men like Lord Simon who are Conservatives in the guise of Liberals. Nevertheless, Sir, in view of the difficulties, both internal and external, which we have to overcome it will be wise on our part to act in such a way as to add to the moral authority of this Assembly. We have plenty of friends not merely in this country but also in England. Let us proceed in such a way as to strengthen their hands. Let us not think of what we are entitled to do under the terms of the Statement of May 16th. Rather let us think of what it is in our interest to do on this important occasion. We may consider ourselves completely justified in passing Pandit Jawahar Lal Nehru's Resolution but of what use will be for us to exercise our rights if they only add to that discontent and unrest which it is our desire to allay? I hope, therefore, Sir, that we shall act in such a way that India may, with the assent of all sections of the people—and if that unfortunately is not forthcoming—with the assent of all those who accept the right of the country to move forward, be able to march rapidly towards the aim that we have set before ourselves, *viz.*, that of freedom and unity. (*Cheers*).

The Hon'ble Diwan Bahadur Sir N. Gopalaswami Ayyangar (Madras: General): Mr. President, Sir, I have come forward to support the Resolution and I would add that I have come forward to urge with all the strength in my power that this Resolution be pushed to its conclusion at these sittings (*Cheers*). Sir, my respect for Dr. Jayakar and Pandit Kunzru is very great. I have considered with very great care all that they have said in support of this amendment proposing an adjournment of this discussion until the representatives of the Muslim League and the representatives of the Indian states have joined us. There is only one complaint I have to make against this motion for adjournment. I consider, Sir, that it lacks imagination. I say so without disrespect to my friends. I say it lacks imagination because it forgets that we have just launched ourselves on a very big task and it is necessary that we should impress our country and the world that we mean business.

Now, Sir, look at this Resolution. It is a Resolution which sets out the objectives that we have to place before ourselves in framing our constitution. Is such Resolution to be postponed till we reach the last stage of our work in this Assembly? Is it not a Resolution which must preface everything that we propose to do in this Assembly? That, I think, Sir, is a complete answer to this motion for adjournment. The Mover and supporters of the amendment have urged reasons for postponing the consideration of this Resolution, but in doing so they have themselves admitted that there is nothing in this Resolution to which either of them is prepared to take exception. I appeal to them, Sir, that if they believe in this Resolution they must pass it at this series of sittings and before we commence real business and not postpone it till we have practically completed all our business. I know that Dr. Jayakar, towards the close of this speech, suggested that the consideration of this Resolution might be postponed only for about a month or so by the end of which he hoped that the representatives of the Muslim League would have joined us. But what about the representatives of the Indian States? For no fault of this Constituent Assembly, the representatives of the Indian States have not come into this Assembly at the start, as I consider it is their right to do. But the procedure has been so regulated that they come in only at the final sitting of this Constituent Assembly. Are we to wait for them, and after all, the most vocal objection to this Resolution that has come from outside this House has come from people who represent the Indian States.

Now, taking the representatives of the Muslim League themselves, are we doing any injustice to them in proceeding with this Resolution? Their main objection to what we are doing today is the different interpretation they have put upon the clause relating to grouping. We are not discussing grouping. We are discussing this Resolution which lays down the objectives of our work—a matter in respect of which they have a perfect right to come and participate in this debate. What prevents them from coming and taking their seats here and debating with us here the other questions that we are taking up as a preliminary to the more important work that will follow? Their main objection will arise only when this Assembly, towards the end of the first session, proposes to split into Sections, and as I shall show in a minute, Sir, it is quite possible for them to raise all the issues that they want to raise at that stage. (*Hear, hear.*)

Now, Sir, the question as regards grouping has entered a new phase with the Statement made by His Majesty's Government on the 6th of this month, but I would not go into the merits of what they have said in that Statement. The only thing I would say is that it is a most astonishing Statement to be made by so august a body as His Majesty's Government at this stage of the controversy. Be that as it may, I do not intend to go into its merits. Now, let us see what flows from that Statement. His Majesty's Government have said that their interpretation of the Cabinet Mission Plan and the interpretation of the Muslim League agree, but they say: "Since you have agreed to refer the matter to the Federal Court, or since you say that the Constituent Assembly will do so, you may do so." And then, we have the statement of Lord Pethick-Lawrence made only yesterday, clinching the matter by saying: "His Majesty's Government would not budge an inch from their position even if you appeal to the Federal Court." Now, Sir, what is the position? If we go to the Federal Court and the Federal Court gives a decision in favour of the view taken by the Congress, the Muslim League has categorically stated that it would not accept it. His Majesty's Government say they would not budge an inch from their own view of the matter. Of course it is not within the jurisdiction of His Majesty's Government, in my opinion, to say whether they would accept the Federal Court's view or whether they would not, because it is entirely out of their hands. The Constituent Assembly makes the

reference to the Federal Court and it is for the Constituent Assembly to say before it makes the reference that it will abide by the decision of the Federal Court. What will happen then? Assuming that the Federal Court's decision is in favour of the view taken by His Majesty's Government, what will be the position of those who have taken a contrary view? The only thing they can do in view of all the commitments they have made to individual Provinces and communities, is to move this Assembly for a modification of paragraph 19, which would more clearly express their view. The main difficulty is the method of voting in the Sections as the Secretary of State said in the House of Lords. If you leave paragraph 19 (v) as it is, it is certainly an arguable point that in the absence of any modification of the wording of that clause the voting must be by individuals and a simple majority would decide the question. It is certainly an arguable point. If we want that voting should be by provinces, it is necessary that we should propose a modification of that clause, and that modification can, I think, be done by this Assembly on a motion properly made. Now, are we going to do that? I suggest that, in view of what has come from His Majesty's Government, both in the Statement of December the 6th and in the speeches made in the two Houses of Parliament—I suggest that, in the new circumstances that have been created, the wiser thing to do is not to send a reference to the Federal Court but to take the other course which I have indicated, namely, that you bring up a resolution in this Constituent Assembly proposing a modification of clause 19 (v) which will provide that the method of voting should be by provinces in the Sections so far as the grouping matter is concerned.

Mr. Dhirendra Nath Datta: Please save us from such prayerful resolutions!

The Hon'ble Diwan Bahadur Sir N. Gopalaswami Ayyangar: The Resolution I am suggesting is to be moved in this Assembly; we are to take a decision on it. It is quite possible—and I think it would be an arguable position—for the Muslim League representatives to come here and raise the question that such a modification involves a major communal issue. If you decide, Sir, it is a major communal issue, or, if after obtaining the advice of the Federal Court, you decide that it involves a major communal issue, it will be open to the Muslim League to contend that you cannot carry out that modification without a majority of each of the major communities. Why, I ask, should we not take that step? We shall take that resolution into consideration at an adjourned sitting of this Assembly, say, in January next, and properly notify all members of the Assembly, even those who have not presented their credentials and signed the Register—the members of the Muslim League—that we shall consider and move a resolution of that sort. That must be a sufficient indication to them to come and occupy their places in this Assembly and defeat what they consider to be an unconscionable suggestion from the other side. That is one point I wish to suggest to those who may have to take a decision in this matter. Going to the Federal Court is absolutely useless, and so far as I can see, it will solve none of our troubles.

Then, on this main issue of adjournment, I do not propose to deal with the point of law that my Hon'ble Friend, Dr. Jayakar, took. I should like only to refer to some of the other criticisms that have been received. Before proceeding to that, I should only like to suggest that, in considering points of interpretation of the document, namely, the Statement of May 16, let us not forget that we are not working under a provincial enactment or as members of a provincial legislature, or of the Central Legislature working under a Statute of Parliament. We are in a Constituent Assembly, and whatever is not said in the document under which we have gathered here, is not prohibited to us. We have the residuary powers in full for accomplishing the task which we have undertaken. (*Hear, hear*). That being so, what I would suggest is that

we should not rivet our eyes to particular clauses in this document and say, "this is not said in this particular clause, that is not said in the other clause, and therefore we cannot do anything which is not said in those clauses." I think whatever is not said but is necessary for the accomplishment of our task, is within our powers to regulate.

I will leave the rest of the objections to the consideration of this Resolution on the point of law to people who can deal with legal matters more efficiently than I can. I desire in the few minutes that still remain to me to deal only with the objections that have been raised on behalf of the States. There are mainly three objections that, on behalf of the Chamber of Princes, have been made public. The first is that the Resolution is objectionable because it is proposed to be considered and passed in the absence of the States representatives. Well, Sir, that I have dealt with already. The second is to the use of the words "Independent Sovereign Republic". I do not propose to occupy your time in dealing with that matter as it has been dealt with already by other speakers. I should like to deal a little more fully with the third objection to clause (4) of this Resolution. This clause says:

> "wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of Government, are derived from the people."

Exception has been taken to this in a statement issued by a distinguished Indian who has a right, I think, to speak on behalf of the Rulers of Indian States, in any case, of some of them. He says:

> "Such a doctrine may or may not be incontestable, but there is no point in taking it for granted in Indian India, especially when we remember that in legal theory this doctrine is only imperfectly applicable even in England."

I do not propose to undertake an examination of this doctrine in relation to legal theory. I would rather confine myself to its constitutional aspects. It is definitely incontestable that, in spite of a hereditary monarch as head of the State from whom, in the forms of law, all authority is supposed to flow, the substance of real power and authority in England is derived from the people.

Now, what is the case in Indian States? I would only quote from two documents which have the authority of committees established in the two most important Indian States. The first is from Mysore and is from a document which was published nearly a quarter of a century ago. This is what is said in that Reforms Report:

> "In such a polity, the head of the State, whether a hereditary ruler or an elected President, exercises, as representing the *people's sovereignty*, a double prerogative, namely, one, in the sphere of legislation, the prerogative of ratification including the veto, and secondly, in the sphere of executive government, the prerogative of creating and uncreating the organ of Government, namely, the Ministry. And both these prerogatives are exercised much more fully, really and substantially than by the constitutional head of a limited Monarchy under responsible government."

Then, here is an extract from a Report of a Committee on Reforms in Hyderabad:

> "The British Constitution has grown out of England's long history and is the result of centuries of strenuous struggle between its King and its Parliament. There, the two-party system, sustained by the spirit of compromise and the conception of the sovereignty of the people, has struck deep roots into the soil. The peculiarity, on the other hand, of the Indian States is this: The Head of the State represents the people directly in his own person and, his connection with them, therefore, is more natural and binding than that of any passing elected representatives. He is both the supreme head of the State and the embodiment of the people's sovereignty. Hence it is that, in such a polity, the head of the State not merely retains the power to confirm or veto any piece of legislation, but also enjoys a special prerogative to make and unmake his executive or change the machinery of Government through which he meets the growing needs of his people."

Those two views of where the sovereignty rests in Indian States tally. The hereditary ruler is supposed to embody in his person the sovereignty of the people, but, in actual fact, he has exercised the sovereign powers in disregard of the people's interest in several cases.

The Cabinet Mission stated that, on the conclusion of the labours of the Constituent Assembly and on the framing of a constitution for India. His Majesty's Government will recommend to Parliament, such action as may be necessary for the cession of sovereignty to the Indian people. Even under existing conditions, the Provinces of British India and Indian States have a common Centre which administers such subjects as, under any unitary or federal constitution for India as a whole, must stand ceded to the Centre. Broadly speaking, sovereign powers over India as a whole now vest in His Majesty, subject to the provisions of the Government of India Act, 1935. Those powers are exercisable both over British India and over Indian States, though the quantum of those powers and the manner of their exercise differ in the two cases. The act of ceding sovereignty, that is transfer of the power which Britain now wields in this country will, therefore, relate to the whole of India. When the Cabinet Mission therefore spoke of cession to the people of India, they must be held to have included the people of Indian States also. (*Hear, hear.*) The Mission's statement, therefore, that when British power is withdrawn, the States become independent, should be construed to mean that such sovereignty as His Majesty in fact exercises over Indian States will stand ceded back to the people of those States.

In this connection it is significant that paragraph 5 of the Memorandum on States, Treaties and Paramountcy Rights issued on 20th May, 1946, which deals with the extinction of paramountcy, speaks throughout only of the Indian States and not merely of their rulers. The rulers of States have, however, up to date, both claimed and exercised full internal sovereignty in their States subject only to the politically inescapable limits set by the paramountcy of the British Crown. The paramountcy of the British Crown really means suzerainty, in other words, the ultimate sovereignty of the British Crown in certain matters. In the assertion of this claim, the rulers have throughout ignored the idea of any sovereign powers vested in the people of the States. They have claimed to exercise both the ordinary legislative power and the constituent power within the sphere in which they claim sovereignty, and any constitutional powers which the people of certain States exercise through their representatives have been a matter of gift from the rulers to them.

Now, this feature of the relations between the ruler and the people in the States is absolutely inconsistent with the idea underlying the framing of a constitution by a Constituent Assembly consisting of representatives of the people in whom the constituent power is deemed to vest. When the cession of sovereignty from His Majesty to the Indian people takes place, the people of the States will, together with the people of what is now British India, be entitled to exercise sovereign powers in respect of the subjects assigned to an All-India Union Government. The exercise of the sovereign powers as regards the subjects vested in Provinces will be in the hands of the representatives of the Provinces in the case of the subjects retained by them and, by the people in the groups, if any, to whom any provincial subjects might have been assigned by the Provinces. This is fairly clear.

The Resolution that is now under consideration puts the Indian States on the same level in regard to the subjects not ceded by them to the Union Centre as the Provinces are in respect of provincial subjects; that is to say, it asserts that all the power and authority of Indian States as constituent parts of the sovereign independent India are derived as such from the people of the States as similar power and authority are in Provinces derived from the people of the provinces.

It would be extremely anomalous if the constituent power in Indian States is vested in respect of Union subjects in the people of the States, and, in respect to Unit subjects, in the rulers of the States. In the process of building up a new federal structure for India through this Constituent Assembly, it will be found necessary that written constitutions of such States as already have them deserve to be overhauled as in the case of Provinces, and that written constitutions should be newly framed for States which do not have them now. It is possible to defer this work and leave it over for subsequent accomplishment, provision being made in the Union Constitution prescribing the steps to be taken and the procedure to be followed in this connection.

If the representatives of the States in the Constituent Assembly so desire, the Union Constitution should guarantee the territorial integrity of the States as they exist today, subject to any modifications of boundaries which might be effected later on according to prescribed procedure and with the consent of the people of the States and other areas affected. The constitution of a State settled by the people of the State in association with the ruler, might make provision for hereditary succession to the headship of the State in the dynasty which is in possession now of the State, and the Union Constitution might contain a provision that, if the State's Constitution does say so, it will not be interfered with, though a stipulation would be necessary that, in the overhaul of an existing written constitution or in the framing of a new one in any particular State, the hereditary head of it should be, or in the quickest possible time in the future, should become, a constitutional monarch presiding over an executive responsible to a legislature, the members of which are democratically elected.

Now, Sir, I wish to refer to only one point in order to stress the need for the provision in clause 4 of the Resolution. The existing written constitutions of individual States almost invariably contain a section that all rights, authority and jurisdiction that appertain or are incidental to the government of the territories included in the States are vested in and exercisable by the ruler, subject to the provisions of the constitution which is granted by the fiat of the Ruler himself. With a view to emphasising the unlimited nature of the sovereign powers claimed by the rulers, such constitutions contain also another provision which enacts that, notwithstanding anything contained in the Constitution Act or in any other Act, all powers, legislative, executive and judicial, are, and have always been, inherent and possessed and retained by the Ruler and that nothing contained in any such Act shall affect or be deemed to affect the right and prerogative of the ruler to make laws and issue proclamations, orders and ordinances by virtue of his inherent authority. Such provisions in States constitutions are remnants of an all-pervasive autocracy and deserve to be swept away and replaced by a provision which declares that all powers of Government, legislative, executive and judicial, should be deemed to be derived from the people and exercised by such organs of State including the hereditary ruler as may be designated in the written constitution and to the extent authorised by that constitution.

I am afraid, Sir, my time is over. I do not wish to take up any more time, but I hope I have tried to show how necessary it is that this inclusion of the States in clause 4 should remain in this Resolution. As a matter of fact, unless we get into this Assembly the representatives of the people of the States, they cannot really participate in the work of the Assembly and help in the making of a constitution for their own States as well as in the making of a Union Constitution.

Mr. Chairman: It is already quarter past one. The House is adjourned till Eleven of the Clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th December, 1946.

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Volume I
No. 9



Thursday
19th December
1946

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Thursday, the 19th December 1946

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. Chairman (The Hon'ble Dr. Rajendra Prasad) in the Chair.

PROGRAMME OF BUSINESS

Mr. Chairman: Yesterday I told the Members that I would be able to give some decision with regard to the programme of the work of the Assembly this morning. I have been considering that matter and some Members have seen me also in that connection. The work we have to get through is this. We have this Resolution which we are considering. Then we have got the rules to pass. Then there is another question with regard to the reference of the disputed point of interpretation to the Federal Court, with regard to which the Assembly may have to express some opinion and lastly, we must have to elect at any rate some of the Committees which will be provided for in the rules. So, these are the four items that we have to finish before we go home after this session.

The Rules have now been practically considered and the final shape is being given to them. I propose to place them before the Rules Committee tomorrow morning and if the rules are finally passed by the Rules Committee, they will be presented to this House day after tomorrow, *i.e.*, Saturday. If the Members so desire, we can take up the question of referring the point of interpretation to the Federal Court on Saturday and thereafter we may take up the rules. That will take, I think, about two days or so. I think it all depends on the number of amendments which the Rules may evoke. Thereafter we may give a day for the appointment of the Committees. Now in this way if we work on Saturday, also on Sunday and on Monday, we might possibly finish all this work if Members have some sort of self-denying ordinance and all who speak little and take as little time as possible. If we cannot complete by Monday, then in that case we shall have to go on after Christmas, that is to say, we shall have to take some days in this month after the 25th. I find that 24th, 25th and 26th are public holidays and we cannot sit on those three days. So we can take up the discussion again on the 27th and 28th. 29th is a Sunday and 30th again is a public holiday for Sikhs in connection with the birthday Anniversary of Guru Govind Singh. So unless the Members are prepared to sit on a Sunday and to work harder on Saturday and on Monday, there is no chance of finishing the work before Christmas and I do not like to go over to the next month, *i.e.*, the next year. I want to complete the work within this month. I would therefore suggest that we take up this programme. We start discussing the rules say in the afternoon of Saturday and if Christian Members, particularly have no objection, we should even sit on Sunday and then on Monday we may complete the whole thing. That would be rushing the business to some extent, if you want to avoid sitting after the 25th; otherwise we shall have to sit after the 25th and go on until we finish it. In this matter this is the difficulty which I have placed before the Members and I should like to know which they would prefer. Personally, I would like to finish it by Monday, if possible.

Many Hon'ble Members: This is much better.

Mr. Chairman: Let us hope we finish on Monday. First of all, to work during the Christmas week would be very hard on Christians. I hope we will be able to sit on Saturday, Sunday and Monday and finish it. Otherwise we shall have to sit during Christmas week.

Mr. F. R. Anthony (Bengal: General): It is quite impossible. I am personally prepared to sit as long as the Members are ready to sit but not after the 26th.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General): I want to bring to your notice a fact that may interest the House, that the United Nations General Assembly did sit even on Sundays, both the Committees and the General Assembly, in order to expedite its work.

Mr. Chairman: Today we shall sit only up to 1 O'clock, so as to give us time to complete the work in the Rules Committee and tomorrow we do not sit at all. We sit again on Saturday morning. I hope I shall be able to place the Rules in the hands of Members by Friday evening, but in any case they will be available on Saturday morning and in the morning session we might take up the question of reference to the Federal Court and in the afternoon you might commence discussing the Rules. That is the programme now fixed.

Mr. F. R. Anthony: Mr. Chairman, I am afraid the Christian members feel very strongly on this matter. We are prepared to work the whole of Sunday and we will work on Monday. I would only ask that we should not meet on the 27th and 28th, between Christmas and the New Year. It will be quite impossible for the Christian members to attend then. That is the only time in the year when they insist on being with their families. This is very important. We are prepared to work all night and the whole of Sunday. I would ask you not to reconvene the Assembly between the 27th and the 1st.

Mr. Chairman: I hope we shall be able to finish by Monday evening.

Mr. F. R. Anthony: Let us have night sessions.

Mr. Chairman: We shall have it if necessary.

Mr. Kiran Shankar Roy: (Bengal: General): Mr. Chairman, I think that the Members should have copies of the Rules at least two or three days before general discussion so that they may consider the Rules. If the Committee has taken so much time to draft the Rules, surely, it would be unfair to rush through the rules in this house in this fashion. It will be very optimistic to think that we would be able to pass the Rules in two or three days when we have not been able to pass this Resolution in three or four days. I think the passing of the Rules would take at least a week. I therefore suggest that you should give us sufficient time to consider the Rules. It is no use thinking that we shall be able to finish the Rules in two days.

Mr. Chairman: That upsets the whole programme.

The Hon'ble Mr. B. G. Kher (Bombay: General): May I be permitted to say that the drafting of the Rules is more or less a technical matter for lawyers and 15 men with long experience of drafting rules, with a competent secretariat, have framed the Rules. Are we going to quarrel and debate about a word here and a word there? I would submit that you should fix a time and say that by 5 o'clock on Monday all those who have important amendments will be allowed to move their amendments and vote on them, and by 5 o'clock, the guillotine should be applied, and by 7 o'clock all the Rules may be passed, and we should get on with the other business. Another alternative, Sir, is to sit throughout the night. I would suggest that we should sit up to 11 P.M. every day and finish the rules. I do make a strong plea not only on behalf of the Christians, but there are so many other people who have come long distances to attend this session, having made engagements on the assumption that the work will be finished by the 23rd and that they will not be required to sit during Christmas. I do not want to mention names. We are all having engagements of equal importance. But there are some people who find it

extremely hard, having come to India after a long time, to sit here during Christmas when they would like to be with their families. We can sit long hours by night and by day and finish it before Monday afternoon.

Mr. Chairman: This seems to be the general sense of the House.

Dr. Syama Prasad Mookherjee (Bengal: General): I think we should not meet during the Christmas week. We have very important engagements during the Christmas week which were fixed weeks, months ago and it is not fair that we should be compelled to upset our programme. If we can finish the work, well and good. Otherwise, we must find some day in January. The passing of the Rules will not be quite so easy a matter. They must be circulated to the members who would like to have a reasonable time to study and also propose amendments. It will be left to your discretion whether the time so given is sufficient to enable members to propose amendments and discuss them. If we cannot finish by Monday or Tuesday, we should meet some time in January.

Mr. Chairman: We shall make an attempt to finish the consideration of the Rules and other business also by Monday. If we fail, we shall then think at what other time we will sit.

In the Rules Committee, we have 15 Members representing various groups and shades of opinion and we have been taking time because we have been trying to arrive at conclusions which will be acceptable to all, and that is why the Rules Committee has been taking so much time. As regards, drafting, that is left in the hands of persons who are experts in that work and I suppose there will not be as much difficulty as Mr. Kiran Shankar Roy anticipates. If any discussion arises on a question of principle, I shall give time for discussion; but for mere words, I will expect members to leave that matter to the Committee which has spent a lot of time over it.

Now, we shall proceed with the Resolution. Mr. Somnath Lahiri.

RESOLUTION *RE.* AIMS AND OBJECTS—*contd.*

Mr. Somnath Lahiri (Bengal: General): Mr. Chairman, The Right Hon'ble Dr. Jayakar, grown grey in the service of interpreting British Imperialist laws, has probably interpreted the limitations of the Cabinet Mission Plan correctly. The limitations, as he says, are probably correct. But we need not be frightened by them. Dr. Jayakar wants to wait for their Highnesses, the Princes, to come in and have a hand in distorting our future freedom. We need not have that. We do not want the Princes, the autocratic Princes, to come in and have a hand in distorting our future. Of course, so far as the Muslim League is concerned, that is on a different footing altogether. But I am not sorry that the Muslim League is not here; I am only sorry that the Congress also has not gone out of the British Plan and left the British Plan to itself, to stew in its own juice. Agreement with the Muslim League for gaining independence of our country and for drafting a really free constitution of our country, is essential. But if you think that by waiting for the Muslim League, or by the Congress remaining here and the Muslim League remaining outside, you will be able to have a properly framed constitution, I am afraid you are sadly mistaken and you are counting without your host, the British imperialists, who have made this Plan. You have seen the example of the Interim Government. Both the League and the Congress are there, but that has not solved the problem of our quarrels and internecine warfare in this country. It has happened there just as the British wanted it to happen, that is, they wanted the parties to fight against each other with the prospect of the British giving support in one party's favour against the other with the result that in between these quarrels the British become more firmly entrenched.

Well, the Interim Government has not brought peace nor freedom to our country. Similarly, whether the Congress is inside this British-made Constituent Assembly and the Muslim League is out or whether the Congress and the

[Mr. Somnath Lahiri.]

Muslim League are both inside this British-made Constituent Assembly and working the British plans as the British should like it to be worked out, then also the same thing will follow, *vid.*, the quarrelling that is there to-day in the country, will only get more intensified inside this Assembly also. That is all and nothing else. Therefore, Sir, I am not sorry that the League is not here but I am only sorry that the Congress also has not gone out leaving the plan to stew in its own juice.

Well, Sir, I must congratulate Pandit Nehru for the fine expression he gave to the spirit of the Indian people when he said that no imposition from the British will be accepted by the Indian people. Imposition would be resented and objected to, he said and he added that if need be we will walk the valley of struggle. That is very good, Sir—bold words, noble words. But the point is to see when and how are you going to apply that challenge. Well, Sir, the point is that the imposition is here right now. Not only has the British Plan made any future Constitution—provided you are able to evolve out something which I very much doubt—even if you were able to evolve out something, not only is it dependent on a treaty satisfactory to the Britisher but it suggests that for every little difference you will have to run to the Federal Court or dance attendance there in England or to call on Attlee or someone else. Not only is it a fact that this Constituent Assembly, whatever plans we may be hatching, we, are under the shadow of British guns, British Army, their economic and financial stranglehold which means that the final power is still in the British hands and the question of power has not yet been finally decided, which means the future is not yet completely in our hands. Not only that, but the statements made by Attlee and others recently, have made it clear that if need be, they will even threaten you with division entirely. This means, Sir, there is no freedom in this country. As Sardar Vallabhbhai Patel put it some days ago, we have freedom only to fight among ourselves. That is the only freedom we have got and the only other freedom that I noticed is on the order paper of the day where Pandit Nehru is the Hon'ble Pandit Nehru and I suppose Pandit Nehru has not even the freedom to drop that honour. Therefore I say it is no use your thinking that from within the limitations of this British Plan, one part of which is the Interim Government and the other part of which is this Constitution-making procedure, I don't think you will be able to get any independence out of it. The insolence of the Britishers, as you have recently seen, and to which expression has been given by various Members of the House, why is this insolence so growing, it is for the patriots to see. The insolence is growing because they find that the great parties of our country, the Congress and the Muslim League, go on thinking that in getting our parties, my party's claim as against the other party, I will be able to get the help of the British. They want you to go on quarrelling with the only result, that fratricidal fights follow, as it has happened to-day throughout the country, as it is happening everyday before your very eyes. Our strength against the British gets decimated and nothing of freedom comes our way. Only we kill each other as if we are enemies instead of being brothers and Mr. Alexander gets the cheek to say in this month of 1946 in the House of Commons that the use of the Special powers of the Viceroy has not been changed and whatever power is available there, it is there to back it. Therefore, our humble suggestion is that it is not a question of getting something by working out this Plan but to declare independence here and now and call upon the Interim Government, call upon the people of India to stop fratricidal warfare and look out against its enemy, which still has the whip hand, the British Imperialism—and go together to fight it and then resolve our claims afterwards when we will be free. As a matter of fact, Sir, we have found in the long history of our struggle for the freedom of the country that when we are faced to the British, even though

we might disagree very much among ourselves, quarrels are generally resolved, no obstacles are put to the man who is fighting the British. It is a way out of the present fratricidal impasse. Mr. Chairman, Sir, and the Mover of this Resolution, I would address him also, that Doctor Jayakar, the fine logician and a cruel logician that he is, has placed before you the only alternatives when he has told you that either we have to work through the limitations of the British Plan or you have to go forward to the seizure of power, revolutionary seizure of power. These are the alternatives and good old constitutional liberal that he is, he has rightly grasped it and playing upon the fear of revolution that some of you might have got, he has asked you to follow his constitutional path and told you 'I know Congress also is not going to revolutionarily seize power'. Yes, Sir, these are the only alternatives before Indian people to-day and before this Constituent Assembly to-day, that either you try to follow the British Plan, put one party's claim against the other and get sunk into the morass of fratricidal warfare everyday with the result that finally the British may be as strong over you as before, or you go forward to the revolutionary seizure of power. I say, you go forward first of all to drive out the British, to drive out the British Viceroy, to drive out their troops, etc., which are holding their guns even now over our heads.

Sri Raj Krushna Bose (Orissa: General): We have a right to know whether the speaker is supporting the Resolution or opposing it. I am afraid all that he is saying at this time is not relevant.

Mr. Somnath Lahiri: That is for the Chairman to decide. I hope I represent a political party which is the third largest in the country. . . . *(Laughter from Back Benches).* Mr. Chairman, I hope you will let me continue without interruption. Our party got 7 lakhs of votes . . . . (Interruption). . . . in the last General Election. It is true that it is not a big party but it is the third largest party surely *(Renewed laughter).*

Mr. Chairman: I hope the House will allow the Speaker to proceed. (To Mr. Lahiri) But I would remind you of the time-limit and also of the fact that you should confine yourself to the subject in question.

Mr. Somnath Lahiri: Yes, Sir. I am coming to the point. I hope you will allow me, Sir, the same facilities as you allowed to Dr. Ambedkar or other party leaders. *(Laughter from Back Benches).*

Mr. Chairman: It is true that I did show some leniency to them, but the House was in a mood to listen to them, but it does not seem to be in that mood now. I have to be guided by the mood of the House.

Mr. Somnath Lahiri: Whether the House likes what I say or not, it is for you to let me, as the representative of an independent view-point, to express my views in full.

Mr. Chairman: You may go ahead.

Shri Vishwambhar Dayal Tripathi (United Provinces: General): Sir, we must know whether he is supporting the Resolution or he is supporting the amendment.

Mr. Somnath Lahiri: The more interruptions there are. . .

Mr. Chairman: Members will draw their own inferences as to whether he is supporting the Resolution or opposing it or doing neither.

Mr. Somnath Lahiri: I will make it quite clear. You will know it when you listen to my speech. Sir, coming to the third para of the original Resolution, I understand that you desire the unity of India. It is out of that desire you have given this right of autonomy and residuary power in paragraph three but refused right of secession to linguistic, etc., units. I am also as much eager for the unity of India as you are, but the point is: can you get that unity by means of force or by compulsion? I come from Bengal. Look at Bengal. In Bengal the overwhelming majority of the population who are

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peasants and amongst whom the overwhelming majority is Muslim, are ground down under the double slavery of British Imperialism and the Hindu Upper Class. Now, Sir, in the image of freedom that the Bengal peasants and the Bengali Muslim has before his mind's eye, if he wants that neither British Imperialists nor Hindu Upper Class can exploit him, if he wants that his land —the Bengali speaking territory—should be free and sovereign, free from the control of any other part of India—can you deny that right of freedom to him? You cannot. And if the Muslim League—the reactionary section of the leadership of the Muslim League—are able to distort this freedom urge of the Bengali Muslim into religious separatism, or into demanding the Assamese speaking territory, I should say the responsibility for this is on the Congress leadership. Why? Because the Congress has never unequivocally recognised this right of separation of the nationalities on national-linguistic basis and whatever recognition there was in the ruling of the Congress President that no territorial unit of India will be compelled against its wish to come into the Indian Union, you have given the final good-bye to that in this Resolution. You have said here that no unit, however strong its wish might be to go out of India, can go out. The utmost it can hope for is residuary powers and autonomy. Well, Sir, this is not the way by which you would hope to win over the Muslim population of Bengal. This is not the way you would hope to win over the other nationalities which will come into the forefront as time goes by. So you cannot achieve the unity of India by forcing a unitary constitution on them and if you look at the constitutions of recent days in the world you will find as in Yugoslavia, in Czechoslovakia, etc., that they recognise the rights of self-determination including that of separation. For instance, in Yugoslavia the very first article of their new Constitution gives the right of self-determination and separation to the Serbs, Croats, Slovenes, Montenegrins, etc., to the full. That is why today in Europe you find that though Yugoslavia is a small country, yet it is the most united and advancing most rapidly.

Now, Sir, I have heard some Congressmen say that "Well, this right of separation and self-determination we will give, but only later, if the Muslim League presses for it." Now, Sir, would it not be worst political opportunism to higgle with the rights of peoples across the bargaining counter if the bargain was pressed? Is it not better that you put it clearly and in unequivocal terms not for the leaders but for the people—the Muslim people—to see for themselves and have some faith, some guarantee that they may safely come into the Indian Union?

The next point that I would deal with is paragraphs 4, 5 and 6 of this Original Resolution. Well, Sir, here you have formulated certain fundamental principles on which the equality and the rights of the people of India would be based. Good. Good intention. Nobody denies the good intention. But the path to hell is often paved with good intentions and the intentions here may mean everything or may mean nothing. It all depends on how you interpret those principles, in the light of the past and the future. You have said everybody will be equal before law. You have said that full legal rights will be given to everybody. At the same time history tells you there are popular Ministries in this country, the Congress has got Ministries, and even then you find in Bombay people being externed, even women being externed as goondas without bringing them into court. At the same time, you find in U. P. a law being framed whereby detentions can take place without trial. At the same time, you find in Bengal a law being framed under the name of communalism which takes out the liberty of every newspaper and everybody. Now, Sir, people will look at your formulations here in the light of their past experience and if you want these

things to be really what you wanted them to be, you ought to have been more explicit and stated clearly what you want. Similarly about the Depressed Classes. You have said that adequate safeguards will be provided. Good. But who is going to determine and when are they going to determine whether the safeguards are adequate or not? Everybody deplores the religious separatism that obtains today in our country. Everybody deplores that, but what is the political provision that you have given in your Resolution to them and to their aspirations?

An Hon'ble Member: What do you suggest?

Mr. Somnath Lahiri: Well, I would suggest proportional representation with adult suffrage and joint electorates in any election that might take place in the future and thereby each party, whether it be a communal party or a political party, on the basis of the total votes gained by it, will get its representation assured and then the parties, the communal parties like Muslim League and the Scheduled Castes Federation, who would have been assured of their proper representation, could not have any complaint. At the same time, it would give a fillip to the political parties also to get their proper representation, so that we can gradually cut across the religious separatism that has grown in our country, and healthy politics on the basis of political division and political struggle would develop. But you have not made the point clear. I hope you will make it clear when you draw up the fundamentals of the Constitution. You must remember that the people will judge you by your past,—by your immediate past which I am sorry to say, in spite of the good programme of the Congress, in spite of the hard struggle of the Congress, has not been up to its professions. I hope that they will be remedied when you are drawing up the future Constitution.

Mr. H. V. Kamath (C. P. and Berar: General): I submit, Sir, that Mr. Lahiri when speaking on his own amendment was ruled out of order by you, and is he in order now in doing the same?

Mr. Somnath Lahiri: I have every right to develop my argument. However, I have almost finished and I will take only a minute or two. This Resolution, apart from the generality and the good thing that is in it—I should have liked that you had made the proclamation here and now of our independence. Every Indian would agree with the first paragraph that India should be a sovereign independent power. Apart from these things, your Resolution, to sum up politically, is a resolution of pressure. Part of the pressure is against the British. It tells the British, "Look here! If you think we are going to listen to you, to whatever you dictate, you are very much mistaken. We are going to evolve a constitution of our own for India." Good. Put that more strongly if you like, but the other part of the Resolution is against the Muslim League, "Look here, if you think that there is separation waiting for you, you are mistaken. We are going to evolve out a unitary constitution for India and there is no scope in it for separation." That is pressure against the Muslim League. I do not think the second pressure helps you to increase the first pressure. The more we press against our brothers, the more we fight against the Mussalmans, the more the British are able to deny us what we want. You increase the pressure as much as you can against the British, but do not increase this pressure against your own brothers. Well, Sir, Pandit Jawahar Lal Nehru has spoken of the magic of the moment. Yes, magic. But it is the magic of the British witch which lulls patriots to sleep, the magic of the British witch from whose bloody talons the blood of countless martyrs is dripping and yet she is able to make the patriot think that he will get his claim against the other party by working her magic Plan. I hope that the Congress patriot will remember that and go forward in his struggle against the witche's plan, against British imperialism and not against the Mussalmans.

Mrs. Hansa Mehta (Bombay: General): Sir, I consider it a proud privilege to speak in support of this historic Resolution so ably moved by Pandit Jawahar Lal Nehru. I do not wish to refer to the issue raised by Dr. Jayakar or speak on the speeches made six thousand miles away by people who either mean mischief or are totally ignorant of the real situation. I wish to offer a few remarks on that part of this Resolution,—the fundamental rights which affect a section of the people, namely, women.

It will warm the heart of many a woman to know that free India will mean not only equality of status but equality of opportunity. It is true that a few women in the past and even to-day enjoy high status and have received the highest honour that any man can receive, like our friend, Mrs. Sarojini Naidu. But these women are few and far between. One swallow does not make a summer. These women do not give us a real picture of the position of Indian women in this country.

The average woman in this country has suffered now for centuries from inequalities heaped upon her by laws, customs and practices of people who have fallen from the heights of that civilisation of which we are all so proud, and in praise of which Dr. Sir S. Radhakrishnan has always spoken. There are thousands of women to-day who are denied the ordinary human rights. They are put behind the purdah, secluded within the four walls of their homes, unable to move freely. The Indian woman has been reduced to such a state of helplessness that she has become an easy prey of those who wish to exploit the situation. In degrading women, man has degraded himself. In raising her man will not only raise himself but raise the whole nation. Mahatma Gandhi's name has been invoked on the floor of this House. It would be ingratitude on my part if I do not acknowledge the great debt of gratitude that Indian women owe to Mahatma Gandhi for all that he has done for them. In spite of all these, we have never asked for privileges. The women's organisation to which I have the honour to belong has never asked for reserved seats, for quotas, or for separate electorates. What we have asked for is social justice, economic justice, and political justice. We have asked for that equality which can alone be the basis of mutual respect and understanding and without which real co-operation is not possible between man and woman. Women form one half of the population of this country and, therefore, men cannot go very far without the co-operation of women. This ancient land cannot attain its rightful place, its honoured place in this world without the co-operation of women. I therefore welcome this Resolution for the great promise which it holds, and I hope that the objectives embodied in the Resolution will not remain on paper but will be translated into reality. (*Cheers*).

Mr. P. R. Thakur (Bengal: General): Mr. Chairman, Sir Dr. Ambedkar did not say anything last time about the Depressed Classes. So, I consider it a great honour to speak to the Members of the Constituent Assembly on behalf of the Scheduled Castes in general of India. I stand here to support the Resolution moved by Pandit Jawahar Lal Nehru. After analysing the whole of the Resolution and examining it in detail, I find that it is the best document that has ever extended hopes to the minds of the people of India for freedom. Some of my friends who have spoken before have pointed out some defects in it. Nevertheless, the Resolution as it stands before us will serve to solve many of the problems that have got to be solved before drawing up a constitution. I do feel there are many obstacles in our way, but we know we shall have to surmount them. If we look back into the history of the democratic nations of the world, we would see that every constitution-making body had to face very many difficulties and sometimes deadlocks. But still, they were successful at the end.

It is a pity that our Muslim League friends have kept themselves out and are not taking part in the deliberations of this Assembly. But when we know that we, Hindus and Muslims will have to live in this country of ours, we shall

have to solve our differences amicably by some way or other. It is hoped that the Muslim League members will, sooner or later, take up their rightful places in this Assembly, join in the deliberations and help in framing a Constitution that will be acceptable to all.

Sir, in this big august House of the Constituent Assembly, we belonging to the Depressed Classes, are very few in number, but in the country as a whole our population is 60 millions. We are no doubt a part and parcel of the great Hindu community. But our social status in the country is so very low that we do feel that we require adequate safeguards to be provided for us. Firstly, we should be considered as a minority—a minority, not in the sense in which a community is a minority on religious or racial grounds, but a minority which is a separate political entity. It is needless however to point out that we are a separate political entity. I think those who have got themselves interested in the uplift of the Depressed Classes will admit, as Mahatma Gandhi himself has admitted by his words and deeds, that adequate safeguards are necessary for these classes for their political salvation. The Poona Pact is Mahatma Gandhi's creation, and his writings in the 'Harijan' amply prove that the interests of the Depressed Classes must be carefully looked after.

The Cabinet Mission's Statement of May 16 does not say anything about the Depressed Classes; but the Press Conference that the British Cabinet Ministers had, after the publication of the Statement in Delhi, clearly shows that the Depressed Classes should be regarded as a minority. The subsequent debates on India in the House of Commons as well as in the House of Lords have also laid stress on the importance of providing safeguards for the Depressed Classes as a minority.

Sir, the minority problem is one of the most intricate problems, specially in a country like India, where so many elements live together with so many different kinds of interests. I believe this Constituent Assembly will have to face very important problems in regard to the minorities and find satisfactory solutions for them. If this is done the House will have no difficulty in framing a constitution ultimately. We the members of the Depressed Classes do hope that this Constituent Assembly will do justice to us. There are Depressed Classes in all the Provinces and in the States of India. They want representation on a population basis in the Legislatures in the Centre, Provinces and the States. They do not claim any weightage, but if any weightage is given to any community, they demand proportional weightage for them.

Para. 4 of the Resolution says that—

> "all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people."

I think this is the best part of the Resolution. It would infuse real strength into the minds of the common people of India. The people of India might not be as much politically conscious as the people of other democratic countries; but the very idea that all the power of the State will come from the people will make the Depressed Classes of India politically conscious quickly. Para. 7 of the Resolution says—

> —"Whereby shall be maintained the integrity of the territory of the Republic. . . . ."

This is also very important. We the Depressed Classes are the original inhabitants of this country. We do not claim to have come to India from outside as conquerors, as do the Caste Hindus and the Muslims. As a matter of fact, India belongs to us and we cannot tolerate the idea that this ancient mother country of ours, will be divided between the Muslims and the Caste Hindus only.

I come from Bengal. Many of you might have heard of the civil disturbances over there. The Depressed Classes were the worst sufferers. We strongly repudiate any claim of the Muslim League to take away our beloved Bengal and constitute her into Pakistan. We also oppose the idea of grouping.

[Mr. P. R. Thakur.]

We shall fight tooth and nail to maintain the integrity of India intact. I hope better sense will prevail on Muslim League soon.

In this connection I cannot but say that the leaders of the Muslim League in Bengal are trying to get the support of a section of the Depressed Classes by joisting leaders of their choice over them. I think they are doing it just to pave the way for their fantastic Pakistan. But, fortunately, this section of the Depressed Classes is very small. I do hope that this Constituent Assembly will see that nothing is done in regard to Bengal without the consent of the Depressed Classes. They are of overwhelming number.

Lastly, I cannot but express my joy that very soon India will be free. The time has come for it. There is no power on earth which could stop it. Some of my friends, especially Dr. Ambedkar, said that there would be civil war in the country before India gets freedom. The Depressed Classes will be very glad to meet it. As a matter of fact they are ready to face it.

With these few words I support the Resolution moved by the Hon'ble Pandit Jawahar Lal Nehru.

Mr. Chairman: I propose to call upon Sir Alladi Krishnaswami Ayyar to speak next; but as he is not in a position to stand up and speak, I permit him to sit and speak. I hope the House has no objection to that.

Honourable Members: No objection.

Diwan Bahadur Sir Alladi Krishnaswami Ayyar (Madras: General): Sir, after the eloquent speech of our leader, The Hon'ble Pandit Nehru, on the main Resolution and the eloquent speeches of other speakers on the amendment of the Right Hon'ble Dr. Jayakar, I shall try to be as brief as possible.

In support of his amendment, my Right Hon'ble Friend Dr. Jayakar has raised various points, not all of which, I am afraid, are consistent with one another. His first point was that at this session, it was only competent for the Constituent Assembly to determine the order of business and that it should immediately resolve itself into 'A', 'B' and 'C' sections, as the Statement of the Cabinet Mission did not contemplate the transaction of any other business than merely determining the order of business. Secondly, he raised a doubt as to whether it is at all competent for this Assembly and in any event advisable to pass a resolution before the representatives of the Muslim League decided to come in. Lastly, he raised a point that before the State representatives come in, it may not be right for this Assembly to pass such a Resolution.

None of these points, I venture to say, has any validity. In regard to the first, the Statement of the Cabinet Mission is not in the nature of a Statute which purports to lay down every detail as to the steps to be taken by the Constituent Assembly in the matter of framing a constitution for India. In the language of the Cabinet Mission themselves, their object was merely to settle a machinery whereby a constitution can be settled by Indians for Indians. It is inconceivable that any constitution can be framed or steps taken in that regard without a directing objective which the Assembly has to set before itself. The formulating of such a directing objective does not of course in any way involve this Assembly deviating or departing from the main principles of the Cabinet Statement. You may search in vain for the proceedings of any Constituent Assembly or Convention which has not formulated such a purpose at the commencement of its proceedings. I do not therefore propose to further elaborate the point as to what exactly is the connotation of the expression 'order of business' in the Cabinet Statement.

Now as to the merits of the Resolution itself: There is nothing in the terms of the Resolution to which either the Muslims or the States can take exception if they decide to come in. In fact, neither of these two parties would have a place in this Assembly unless they subscribe to the objective of an independent

India. The Statement of the Cabinet Mission in several paragraphs declares that the Constituent Assembly "is committed to the task of framing a constitution for an independent India." They make an appeal in paragraph 24 of the Statement that "the leaders of the people of India have now the opportunity of complete independence" and they say that "they trust that the proposals will enable the people of India to attain their independence in the shortest time." The Statement of the Cabinet Mission, in so many terms, declares that "the new independent India may choose to be a member of the British Commonwealth or not" and in any event they express the hope that "India will remain in close and friendly association with the British people". There is nothing to prevent republican India from being a member of the British Commonwealth as is the case with Ireland. In fact, it is common knowledge that the conception of British Commonwealth is undergoing change year by year and day by day owing to the force of international events. The Muslim League has, on several occasions, expressed itself that it is as strongly for independence as the Congress. We have no right in this House to read between the lines and presume that Muslim India does not mean what it says for this purpose. The only issue that was raised by the Muslim League was in regard to Pakistan. On that, the Cabinet Mission's Statement is definitely committed to a single Indian Union. It is only if the Muslim League subscribes to the article of a single Indian Union that the Members of the Muslim League have or could have any place in the Constituent Assembly. There is no guarantee nor any indication that the postponement of the Resolution to some day next month will be a factor in the Muslim League making up their mind in joining the deliberations of this Assembly. The argument, therefore, derived from the Muslim League staying away from the present Constituent Assembly and the possibility of their coming in at a later stage has no validity on the propriety of the Resolution before the House.

Then as to the States: Here again, the States or the States Representatives have a place in this Assembly only if they subscribe to the creed and article of an independent India and if they are committed to the task of framing a constitution for an independent India. Otherwise, they have no place. They must choose to be constituent parts of an independent India or not. If they come in, it can only be on the footing that they are as much committed to the ideal and purpose of framing a constitution for an independent India as we in what is now British India. While I realise that there may be a certain incongruity in the States coming in only at a later stage in the proceedings of this Assembly—that is not our making—it cannot stand in the way of this Assembly formulating its objective in the form of a resolution at this stage, a resolution which does not commit this Assembly to anything beyond what is contained in the Statement of the Cabinet Mission. Has this Assembly begun to function or not? Or is it in a state of suspended animation until the State representatives choose to come in? We have elected our Chairman; we are proceeding to frame rules of business and we have begun the work of framing a constitution for an independent India. How can it be said that this Assembly has not begun to function? Is there any logic in the argument that the Assembly must not formulate its objective until some other party comes in or can come in? An independent India cannot, as was forcibly pointed out by Pandit Nehru, be a monarchy. The executive head of the Union cannot be a hereditary monarch, Hindu, Muslim or Sikh. He can only be an integral part of a Republican constitution.

There is no substance either in the objection raised on behalf of the States in certain quarters outside the House to paragraph 4 of the Resolution that—

> "all power and authority of the sovereign independent India, its constituent parts and organs of Government are derived from the people."

Is it suggested that in respect of the sovereign independent India, the authority of the provincial parts is derived from the people, and, so far as

[Sir Alladi Krishnaswami Ayyar.]

States are concerned, from the hereditary rulers of the States? The constitution of a sovereign independent India is the concrete expression of the will of the people of India as a whole conceived of as an organic entity, and even in regard to the units themselves, the authority of the rulers can rest ultimately only on the will of the people concerned. The State machinery, be it monarchy or democracy, ultimately derives its sanction from the will of the people concerned. The Divine Right of Kings is not a legal or political creed in any part of the world at the present day. I do not believe that it will be possible for hereditary monarchs to maintain their authority on such a mediaeval or archaic creed. The Cabinet Mission was quite alive to this and in their Statement, reference is made throughout to Indians, meaning thereby Indians both of the Indian States and British India, deciding the future constitution of India, no distinction being drawn between Indians in what is now British tract and what is now native State territory. I need only refer to paragraphs 1, 3, 16 and 24 of the Statement of the Cabinet Mission.

There was one other minor point which formed the subject of criticism, *viz.*, non-reference to groups in the Resolution, by Dr. Ambedkar, who I am glad to say has made a most useful contribution to the debate by giving his unqualified support to a United India. A close examination of the Cabinet Mission's Statement will point to the conclusion that the formation of groups is not an essential part of the constitutional structure. In the most material parts, the main recommendations are that there should be a Union of India dealing with certain subjects, that all subjects other than the Union subjects and residuary powers should vest in the Provinces and in the States, the States being assimilated to the position of provinces under the Cabinet Mission Scheme. There is nothing in the terms of the Resolution to prevent Provinces from forming themselves into Groups as contemplated by the Cabinet Mission. There was a further comment as to the reference to 'justice, social, economic and political' being too thin. The expression 'justice, social, economic and political', while not committing this country and the Assembly to any particular form of polity coming under any specific designation, is intended to emphasise the fundamental aim of every democratic State in the present day. The Constitution framed will, I have no doubt, contain the necessary elements of growth and adjustment needed for a progressive society. After all, we have to remember that what we are dealing with is a Resolution setting out the main object of this Assembly and not a Preamble to a Statute.

Without embarking upon a meticulous examination of the different parts of the Resolution, what is important is that at this session we must be in a position to proclaim to our people and to the civilised world what we are after. It has to be remembered that the main object of this Assembly is not the fashioning of a constitution of a Local Board, a District Board or making changes in the present constitution of this or that part of the country but to give concrete expression to the surging aspirations of a people yearning for freedom by framing a constitution for a free and independent India for the good of the people, one and all, of this great and historic land, irrespective of caste, class, community or creed, with a hoary civilisation going back to several centuries. More than any argument, as the resolution before the House has received the blessings and support of Mahatma Gandhi, the architect of India's political destiny, from the distant village in Eastern Bengal, I trust that it will be carried with acclamation by the whole House without dissent and my respected friend, the Rt. Hon'ble Dr. Jayakar, will see his way to withdraw his amendment unless he has very strong conscientious objection to the course suggested. (*Applause*).

Mr. Jaipal Singh (Bihar: General): Mr. Chairman, Sir, I rise to speak on behalf of millions of unknown hordes—yet very important—of unrecognised warriors of freedom, the original people of India who have variously been known

as backward tribes, primitive tribes, criminal tribes and everything else, Sir, I am proud to be a *jugli*, that is the name by which we are known in my part of the country. Living as we do in the jungles, we know what it means to support this Resolution. On behalf of more than 30 millions of the Adibasis (*cheers*), I support it not merely because it may have been sponsored by a leader of the Indian National Congress. I support it because it is a resolution which gives expression to sentiments that throb in every heart in this country. I have no quarrel with the wording of this Resolution at all. As a *jungli*, as an Adibasi, I am not expected to understand the legal intricacies of the Resolution. But my common sense tells me, the common sense of my people tells me that every one of us should march in that road of freedom and fight together. Sir, if there is any group of Indian people that has been shabbily treated, it is my people. They have been disgracefully treated, neglected for the last 6,000 years. The history of the Indus Valley civilization, a child of which I am, shows quite clearly that it is the new comers—most of you here are intruders as far as I am concerned—it is the new comers who have driven away my people from the Indus Valley to the jungle fastnesses. This Resolution is not going to teach Adibasis democracy. You cannot teach democracy to the tribal people; you have to learn democratic ways from them. They are the most democratic people on earth. What my people require, Sir, is not adequate safeguards as Pandit Jawahar Lal Nehru has put it. They require protection from Ministers, that is the position today. We do not ask for any special protection. We want to be treated like every other Indian. There is the problem of Hindusthan. There is problem of Pakistan. There is the problem of Adibasis. If we all shout in different militant directions, feel in different ways, we shall end up in *Kabarasthan*. The whole history of my people is one of continuous exploitation and dispossession by the non-aborginals of India punctuated by rebellions and disorder, and yet I take Pandit Jawahar Lal Nehru at his word. I take you all at your word that now we are going to start a new chapter, a new chapter of Independent India where there is equality of opportunity, where no one would be neglected. There is no question of caste in my society. We are all equal. Have we not been casually treated by the Cabinet Mission, more than 30 million people completely ignored? It is only a matter of political widow-dressing that today we find six tribal members in this Constituent Assembly. How is it? What has the Indian National Congress done for our fair representation? Is there going to be any provision in the rules whereby it may be possible to bring in more Adibasis and by Adibasis I mean, Sir, not only men but women also? There are too many men in the Constituent Assembly. We want more women, more women of the type of Mrs. Vijayalakshmi Pandit who has already won a victory in America by destroying this racialism. My people have been suffering for 6,000 years because of your racialism, racialism of the Hindus and everybody else. Sir, there is the Advisory Committee. My people, the Adibasis—they are also Indians—are deeply concerned about what is going to happen about the selection to the Advisory Committee. When I was first given a copy of the Memorandum, as first submitted by the Cabinet Mission, in section 20 the language read as follows:—

> "The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation (mark you 'should contain full representation') of the interests affected. . . . . ."

Now, when I read a reprint of that in Command Paper 6821, the same paragraph 20 seems to read differently. Here it reads:

> "The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas will contain due representation."

Sardar Harnam Singh (Punjab: Sikh): Just a misprint. The original text contained the words "should contain full representation of the interests affected."

The Hon'ble Pandit Jawahar Lal Nehru: Is it so?

Sardar Harnam Singh: I am definite.

Mr. Jaipal Singh: I want to be quite clear on that point. I think there has been juggling of words going on to deceive us. I have heard of resolutions and speeches galore assuring Adibasis of a fair deal. If history had to teach me anything at all, I should distrust this Resolution, but I do not. Now we are on a new road. Now we have simply got to learn to trust each other. And I ask friends who are not present with us today, that they should come in, they should trust us and we, in turn, must learn to trust them. We must create a new atmosphere of confidence among ourselves. I regret there has been too much talk in this House in terms of parties and minorities. Sir, I do not consider my people a minority. We have already heard on the floor of the House this morning that the Depressed Classes also consider themselves as Adibasis, the original inhabitants of this country. If you go on adding people like the exterior castes and others who are socially in no man's land, we are not a minority. In any case we have prescriptive rights that no one dare deny. I need say no more. I am convinced that not only the Mover of this Resolution, Pandit Jawahar Lal Nehru, but every one here will deal with us justly.

It is only by dealing justly, and not by a proclamation of empty words, that we will be able to shape a constitution which will mean real freedom. I have heard pronouncements made by Pandit Jawahar Lal Nehru in different parts of the country. More particularly was I impressed by what he said during his visit to Assam during the elections. When he was in Ramgarh, I invited him to come and address the sixty thousand Adibasis who were assembled at Ranchi, only 30 miles away. Unfortunately, work kept him busy and he was unable to come. Very fine things have been said. Now, Sir, I would like, for example, to quote, if I may, what Maulana Abul Kalam Azad said at Ramgarh:

> "The Congress does not want to dictate its own terms. It admits the fullest right of the minorities to formulate their own safeguards. So far as the settlement of their problem is concerned, it would not depend on the word of the majority."

Sir, the solutions to the various problems of the Adibasis are obvious to my mind and these solutions will have to be thrashed out at some later date. Here I can only adumbrate what is my faith in what seems to be the just solution and it is by a re-alignment by a daring redistribution of provinces. The case of my own area has been very well put, Sir, by yourself when you were the Chairman of the Reception Committee of the Ramgarh session of the Congress. May I just read out the words of cheer that you gave then? ?

> "That portion of Bihar where this great assemblage is meeting today has its own peculiarities. In beauty it is matchless. Its history too is wonderful. These parts are inhabited very largely by those who are regarded as the original inhabitants of India. Their civilisation differs in many respects from the civilisation of other people. The discovery of old articles shows that this civilisation is very old. The Adibasis belong to a different stock from the Aryas and people of the same stock are spread towards the south-east of India in the many islands to a great distance. Their ancient culture is preserved in these parts to a considerable extent, perhaps more than elsewhere."

Sir, I say you cannot teach my people democracy. May I repeat that it is the advent of Indo-Aryan hordes that has been destroying the vestiges of democracy. Pandit Jawahar Lal Nehru in his latest book puts the case very nicely and I think I may quote it. In his 'Discovery of India' he says, talking of the Indus Valley Civilisation, and later centuries—

> "There were many tribal republics, some of them covering large areas."

Sir, there will again be many tribal republics, republics which will be in the vanguard of the battle for Indian freedom. I heartily support the Resolution and hope that the members who are now outside will have the same faith in their fellow countrymen. Let us fight for freedom together, sitting

together and working together. Then alone, we shall have real freedom. (*Applause*).

Mr. Chairman: I want to say just one word. The reprint of the Statement of May 16th, 1946, was taken exactly as it was presented to the Houses of Parliament.

Mr. Jaipal Singh: The one that was given to me bears the signature of the Governor of Bihar.

Mr. Chairman: I do not know who has made the alteration. This book contains the Statement as was presented to the Parliament in the Command Papers.

Dr. Suresh Chandra Banerjee (Bengal: General): May I know what is the correct word, Sir? 'Due' or 'Full'.

Mr. Chairman: "Due" is the word I find printed.

Dr. Suresh Chandra Banerjee: The word "Full" has been used in the book given to us.

Mr. Chairman: There seems to be some confusion. I have to find out how it has arisen. This is exactly what was presented to the Parliament.

Dr. Suresh Chandra Banerjee: The book we have got, Sir,.....

Mr. Chairman: I shall make enquiries about it. The Statement as it is printed in this book is, I understand, exactly as it was presented to the Parliament.

Mr. Jaipal Singh: Before presenting to the Parliament, the word was "Full".

Mr. Debi Prosad Khaitan (Bengal: General): Mr. Chairman, Sir, representing the mercantile community, I want to look at this proposal from the businessman's point of view. From that standpoint, I heartily support the proposal that has been put forward by Pandit Jawahar Lal Nehru, and oppose the proposal that has been put forward by the Right Hon'ble Dr. Jayakar. Dr. Jayakar, after reminding us that he has been a Judge of the Federal Court and is a sitting Member of the Privy Council, has given us some *obiter dicta* which are perhaps not supported either by the Statement or the circumstances of the case. In my humble opinion, what the Cabinet Mission did was to recognise the aspirations of the people to attain independence, put some fetters on the deliberations of the Constituent Assembly and leave the rest to the talent and genius of the representatives of this country. There are many lacunae in the Cabinet Mission's Statement which we are entitled to fill and shape our constitution in such a manner as we think will give to the people their aspiration and give us a good constitution. Dr. Jayakar seems to think that at this stage we can do nothing but elect the Chairman, and lay down the general order of business. But I am afraid, Sir, that he interprets the words "general order of business" in a very narrow manner. Unless we are prepared to lay down the general objective which we have got to achieve, unless we are prepared to appoint certain Committees which are necessary for the purpose of shaping the constitution of this country, unless we are prepared to appoint a committee and define the central subjects, I do not see how it is possible for us to go ahead with the shaping of the constitution of India. According to Dr. Jayakar's argument, at this preliminary session, we would not even be able to appoint a Committee to deal with the central subjects; I fail to understand how we can go ahead without doing so. If we do not define the central subjects at this period of time, it will not be possible for the Provinces or the Groups to frame their own constitution. They may assume to themselves powers which may ultimately have to be taken over by the Central Government. It is therefore absolutely necessary that apart from laying down the objective, we should find out what in meant

[Mr. Debi Prosad Khaitan.]

by the central subjects and what finances are necessary to administer them. Similarly we shall have to lay down other principles, appoint an Advisory Committee to deal with the rights of minorities, how to safeguard their interests and do any other things that are desirable and endeavour, in my opinion, to lay down for the purpose of framing the constitution. He fears that if we put forward the objective now, Mr. Jinnah and his party may not come into the Constituent Assembly. I very humbly differ from his opinion. We have so often approached Mr. Jinnah. Have we ever succeeded in melting his heart for the purpose of joining us sincerely and honestly for the purpose of attaining independence? Even when the Interim Government was formed, he would not accept the invitation of Pandit Jawahar Lal Nehru to join the Interim Government but stated to the contrary that he was accepting the invitation of the Viceroy. When the Congress time and again approached him to reach a settlement, he asked Mr. Churchill—his friend—to get himself invited to London for the purpose of clearing up certain misunderstandings—I call them misunderstandings—between the Congress and himself. Even now as we are proceeding with the work of the Constituent Assembly for the purpose of shaping the destiny of our country, he is spending his time at Cairo for the purpose of spreading a disease which I may call Hindu-phobia, that Hindu Raj will extend to the Mid-East. I am not sorry or surprised that he is engaged in the propaganda at Cairo. If he thinks that the Hindus are strong enough to extend their dominions to the Mid-East, it is all the more reason for him to come back to his own country and join us in framing a constitution for attaining independence with due regard to the interests of all minorities consistently with peace and progress. I hope, Sir, we shall not suffer from a disease that I may call Jinnah-phobia and always out of fear of Mr. Jinnah and his Muslim League, make ourselves absolutely helpless and delay the framing of our much needed constitution. We should muster up courage. We should see to it that the Constitution that is framed is reasonable to safeguard all interests so that the economic and political freedom of our country may be achieved as early as possible. If we simply go on delaying, I do not know what further troubles may arise. For the purpose of avoiding trouble in the future, I would submit to this House to take courage and go ahead with the framing of the Constitution in order that we may attain independence as quickly as we possibly can. I hope, Sir, that we shall not lose time but go ahead with our work and I therefore support the Resolution as moved by Pandit Jawahar Lal Nehru. (*Cheers*).

Mr. Damber Singh Gurung (Bengal: General): Mr. Chairman, Sir, I understand here today as the only representative of 30 lakhs of Gurkhas permanently domiciled in India. It is 30 lakhs, near about the population of the Sikhs, still I am the solitary representative here in this House. I need not give any introduction as to who these Gurkhas are. They have made themselves sufficiently known to the world by their excellent fighting qualities. It has been proved to the hilt during the last World War No. I and No. II that they are the greatest fighting race in the World.

It is on behalf of these valiant Gurkhas that I, as the President of the All-India Gurkha League, whole-heartedly support the Resolution moved by Pandit Jawahar Lal Nehru. It is high time that we should take such a strong step. If we adopt the policy of wait and see as has been advocated by Dr. Jayakar and supported by Dr. Ambedkar, we will never reach our goal. The Interim Government which is functioning to-day would not have come into existence if we had adopted that policy. Fortunately these two Doctors are not Doctors in Medicine, otherwise they would have killed the patient by delaying the operation. (*Laughter*). We have waited too long and we should not wait any longer. It will be simply showing our weakness.

Sir, it has been very often said that the Gurkhas have been the stumbling block on the path to freedom. It may be true if it is viewed from that angle of vision but it must always be remembered that, especially in the Military Department, duty first and duty last, and the discipline is the most essential thing without which no nation can rule. Now in Free India you will ask us to do the same thing as we were asked to do under the British Government, if there be any disrupter of the constitutionally established Government, and you will praise them for maintaining that discipline.

Sir, the problem of the Gurkhas is quite different. They are scattered throughout India. It is only in the district of Darjeeling and the Province of Assam that they are concentrated to a certain extent. Their number in these two areas is about 14 lakhs and the rest are scattered throughout India. They are very very backward educationally and economically. Though we were made to do the dirtiest work in India for which we have been even called butchers by Indians, though hundreds and thousands of Gurkha lives were sacrificed to keep the British rule in India and elsewhere, nothing has been done by the British Government so far for the uplift of the Gurkhas. We have been very sadly neglected. Only at the time of War they remember the Gurkhas. It has always been the policy of the British Government to keep us backward and ignorant so that we may be sacrificed any time, anywhere they liked.

The Gurkhas are apprehending whether the same policy will be followed by the Congress too. There is strong ground for this apprehension. Before the election of Members to the Constituent Assembly, the All-India Gurkha League approached the Congress High Command to give adequate representation to the Gurkhas too in the Constituent Assembly but our claim was totally ignored and not a single seat was given for 30 lakhs of Gurkhas, whereas as many as 3 seats were given to the Anglo-Indians whose population is only 1 lakh 42 thousand in India. I do not think that Gurkhas will, any more, tolerate this kind of injustice. I have, very recently been to Nepal, leading a delegation of the All-India Gurkha League to His Highness the Maharaja of Nepal and I hope Nepal will not allow any such exploitation of the Gurkhas. Sir, the demand of the Gurkhas is that they must be recognised as a minority community and that they must have adequate representation in the Advisory Committee that is going to be formed. When the Anglo-Indians with only 1 lakh 42 thousand population have been recognised as a minority community, and Scheduled Castes among the Hindus have been recognised as a separate community, I do not see any reason why Gurkhas with 30 lakhs population should not be recognised as such. The Gurkhas whose total population including Nepal is 15 millions shall have to play a very very important part in Free India. I request the leaders to consider this very seriously.

Lastly, I would like to say a word, Sir. If Mr. Jinnah thinks himself to be an Indian, I would request him to come to India and settle the differences here, as this is our domestic quarrel. Why should he seek the help of those who kept us in slavery for centuries? I would think that a kick from a brother is more palatable than a hypocritic pat from an outsider. If the major party does not do any justice to the cause of the minorities, we will combine together and revolt and make India a hot bed and I am afraid, the ancient history of India may be repeated. But I must make one point clear, that no minority will support the fantastic claim for Pakistan of Mr. Jinnah. We stand for a United India.

In spite of all this, if Mr. Jinnah goes on throwing the challenge of civil war, I ask the country-men to accept that challenge and let us fight it out. As for the Gurkhas, we will fight along with those who want one India and oppose those who want to divide it.

Dr. Sir Hari Singh Gour (C. P. and Berar: General): Sir, as I listened to the speeches of the Hon'ble Members, my mind has been rankling with three different propositions. The first is the Hon'ble Pandit Jawahar Lal Nehru's well-considered and well-phrased Resolution. The second is my friend Dr. Jayakar's blocking motion in the form of an amendment. And the third is the frequent cry against Mr. Jinnah's Pakistan. And the fourth—incidentally—is a mention of the Indian States.

May I, Sir, at the outset refer to the Resolution itself? It has been said that this is only a preliminary session of the Constituent Assembly and we are not entitled to go into the question of this Resolution. With due respect to those who take this view, I wish to point out that the Constituent Assembly has been described—and rightly described—as a Sovereign Body. If it is the Sovereign Body of India, it is entitled to pass this Resolution, which sets out the basic principle of the whole constitution of future India. Hon'ble Members seem to think that the Constituent Assembly is the creature of the British Cabinet Mission to India and that it is conditioned by the terms of the document known as the Cabinet Mission's Statement of May, the 16th. I wish respectfully to point out that the Constituent Assembly is the voice of the people of India (*Hear, hear*) and is not the creature of the British Cabinet Mission in this country, and as the voice of India, it owes its duty to the people of India and when that voice became strong and inflexible the British Cabinet yielded to the pressure of India to give to India, what India had been demanding for several years—the right to frame its own constitution for this Assembly. Let us not, therefore, dismiss from our minds that while we pay due respect to the wishes of the Cabinet Mission we are not bound by the conditions that they may have laid down, and that our primary duty—and our sole duty—is to discharge our responsibility to our masters—the people of India. If this fact is kept in view, the other questions will recede into the background.

One of them is the terms of reference and Mr. Jayakar's consequential amendment. I beg to submit that the Constituent Assembly would lose its prestige and dignity if it was going about hankering for the support of our friends of the Muslim League. If we have a duty to the public of India that duty must and shall be performed, regardless of whether Mr. Jinnah or Pandit Jawahar Lal Nehru or anybody else comes in or goes out. These are personal accidents and incidents, but our Constituent Assembly must carry on its work regardless of people who come in and people who go out of it. (*Hear, hear.*) Supposing Messrs. Jinnah & Co. had come in on the first stage and for reasons of their own—and for very good reasons, I assure you—they walked out of the Assembly, would that be any ground for adjourning this Assembly to run after them and catching them by their coat tails and saying to them "Please don't run out; come in and if you run out, we also will run out with you"? (*Laughter*). I submit no Constituent Body—much less the Constituent Body of Aryavarth—shall demean itself into this position of humiliation and self-negation.

Mr. Jinnah, according to the newspapers, is now at Cairo—influencing the Muslim opinion in favour of Pakistan. I have written to Mr. Jinnah before, and I wish once more to remind this House that we might send him a message that he may perhaps prolong his visit to the ten Pakistans which have been and are enforced for a thousand years in Iraq, Iran, Libya and the rest—let him see and visualise for himself the dreams of these Pakistans and having done that, he will come back to this country, a sadder but a wiser man, thoroughly humiliated and convinced that Pakistan is not suited to the best interests of our fellow-countrymen, the Muslims of India. If India were to be divided into Pakistan and Hindustan, how many hours will this Pakistan be free, and will not be a morsel to the surrounding powers as have been the Pakistans throughout the Muslim world?

Sir, as a student of history, I was reading the history of Turkey and saw how Kemal Pasha Ata-Turk saw the futility and unwisdom of combining politics with religion. The first thing he did was to put an end to Pakistan and establish the Republic of Turkey. And Turkey, of all Muslim countries, is probably the only independent country in the configuration of nations from Iran right up to Palestine. Let our friends the Muslims realise this fact and remember it and they will have no difficulty whatever in renouncing Pakistan as a dangerous and suicidal move on the part of Mr. Jinnah.

Then, Sir, up to now the majority community has been denouncing Pakistan on the ground that we are for the unity of India. But we are for the unity of India; not from any sentimental grounds; we are for the unity of India because we have often offered—and I wish on behalf of my friends to offer once more from the floor of this House—a constructive suggestion specially designed to benefit the Mussalmans of India. Let there be joint electorates and let the Muslims keep their quota of seats, but let there be a provision in the electorates that no member of one community shall be deemed to have been duly elected unless he polls a certain percentage of votes of the other community. In this way we shall have introduced democratic and territorial elections instead of communal elections, and the severity of caste and communal differences will begin to disappear in course of time. If this proposal is acceptable to the Muslim League, I have no doubt that the majority community and the Congress will probably consider the proposal favourably, as being both democratic and non-communal, and our re-introducing the principle of territorial elections in this country. My friends on the Muslim side ought to have a constructive policy, not for dividing and disuniting India but for the purpose of creating a homogeneous solidarity between the various castes, communities and classes in India so as to bring about a united free India.

Sir, in America we have really fifty different nationalities of all kinds and all grades, but the moment the American war of independence was fought and won, they never thought of linking their freedom with religion, and this is why America has become now the master race of the world. And India, let me tell you, will equally be not the master but the chief servant of all Asiatic countries, if it remains united and strong for her self-defence.

Another section of the Indian people, the Indian States, are still lingering on the fence. They say, you should postpone the Constituent Assembly till we come in. I beg to submit, as a student of law, that the position of Indian States is extremely simple and it is this. They say they have their treaties with the Crown. I will assume that they or every one, one and all of them have their treaty with the Crown and that these treaties go far back to hundred or a hundred and fifty years. But what was the Crown of England 150 years ago? It was the voice of the ruling Government, of the British Cabinet, and, consequently, when they speak of their having had treaties with the Crown, what they do mean is that they have had their treaties with the Government of England for the time being in power. It is an ordinary platitude if I say—if the Crown of England accepted the advice of the British Cabinet 100 or 150 years ago, is it wrong for the Crown of England to-day to act on the advice of the Indian Cabinet? Can the Indian Princes complain that the Crown has got no right to choose its own advisers now? Therefore, their position is a futile one when they speak of their treaties with the Crown. Then, they say that the Crown has got the right of paramountcy. But they forget that the British Government in India has got the right of protecting all the Indian States, from the big State of His Exalted Highness the Nizam of Hyderabad to the smallest State in Kathiawar. And he who has the right of protection enjoys *de facto* the right of paramountcy. The defence of British India, having been transferred to the Interim Government, the Interim Government became responsible for the security of the Indian Princes, and, consequently, *pro tanto*

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Then, Sir, up to now the majority community has been denouncing Pakistan on the ground that we are for the unity of India. But we are for the unity of India, not from any sentimental grounds; we are for the unity of India because we have often offered—and I wish on behalf of my friends to offer once more from the floor of this House—a constructive suggestion specially designed to benefit the Mussalmans of India. Let there be joint electorates and let the Muslims keep their quota of seats, but let there be a provision in the electorates that no member of one community shall be deemed to have been duly elected unless he polls a certain percentage of votes of the other community. In this way we shall have introduced democratic and territorial elections instead of communal elections, and the severity of caste and communal differences will begin to disappear in course of time. If this proposal is acceptable to the Muslim League, I have no doubt that the majority community and the Congress will probably consider the proposal favourably, as being both democratic and non-communal, and our re-introducing the principle of territorial elections in this country. My friends on the Muslim side ought to have a constructive policy, not for dividing and disuniting India but for the purpose of creating a homogeneous solidarity between the various castes, communities and classes in India so as to bring about a united free India.

Sir, in America we have really fifty different nationalities of all kinds and all grades, but the moment the American war of independence was fought and won, they never thought of linking their freedom with religion, and this is why America has become now the master race of the world. And India, let me tell you, will equally be not the master but the chief servant of all Asiatic countries, if it remains united and strong for her self-defence.

Another section of the Indian people, the Indian States, are still lingering on the fence. They say, you should postpone the Constituent Assembly till we come in. I beg to submit, as a student of law, that the position of Indian States is extremely simple and it is this. They say they have their treaties with the Crown. I will assume that they or every one, one and all of them have their treaty with the Crown and that these treaties go far back to hundred or a hundred and fifty years. But what was the Crown of England 150 years ago? It was the voice of the ruling Government, of the British Cabinet, and, consequently, when they speak of their having had treaties with the Crown, what they do mean is that they have had their treaties with the Government of England for the time being in power. It is an ordinary platitude if I say—if the Crown of England accepted the advice of the British Cabinet 100 or 150 years ago, is it wrong for the Crown of England to-day to act on the advice of the Indian Cabinet? Can the Indian Princes complain that the Crown has got no right to choose its own advisers now? Therefore, their position is a futile one when they speak of their treaties with the Crown. Then, they say that the Crown has got the right of paramountcy. But they forget that the British Government in India has got the right of protecting all the Indian States, from the big State of His Exalted Highness the Nizam of Hyderabad to the smallest State in Kathiawar. And he who has the right of protection enjoys *de facto* the right of paramountcy. The defence of British India, having been transferred to the Interim Government, the Interim Government became responsible for the security of the Indian Princes, and, consequently, *pro tanto*

[Dr. Sir Hari Singh Gour.]

that right of paramountcy has passed from the King of England or the Parliament of England to the Interim Government.

The third point that I wish to draw the attention of the Indian Princes to is, even assuming that there was a figurative continuance of paramountcy in the King, it was pointed out in the course of debates in the House of Lords that when the transfer of power to India takes place, that paramountcy will lapse, and, consequently, the Indian States must either join hands with the Interim Government in India or remain isolated and aloof as a subordinate creature of that free India. I therefore advise my friends of the Indian States that they are waiting in vain for an invitation from the Constituent Assembly to come in. If they wish to come in, they are welcome to do so. As regards treaties with the Indian Princes in the later stages, that again is a matter on which the Constituent Assembly will have a final say. I therefore think that the question of Pakistan and that of Indian States need not worry us. Let us go ahead with our duty, but remember it that this Constituent Assembly has been misunderstood even by the High Command of the Congress, as if we were a creature of the British Government or of the British Mission. It is not the creature of the British Government or of the British Crown. (*Hear, hear.*) It has come into existence by reason of the fact that the political consciousness of the country has grown to an extent that the British Government will either face the constitutional freedom of India or the coercive freedom. Either force or persuasion is left to the British Government. The late Viceroy, Lord Linlithgow in the House of Lords, only the other day, pointed out that the British Government cannot hold on to India unless it has behind it the moral claim of the British support. It has no support in Great Britain and it certainly has ceased to have support in India. Consequently, it has become a question of political necessity; and the British Mission and the British Labour Party are now pledged to grant freedom to this country. Freedom will come. It shall come. But when we are sitting here to frame the future Constitution of India, let us not look askance and cast our eyes as to what the Muslim League would think or what the British Government will think and refer our doubts to the Federal Court.

I do not wish to anticipate the decision of this House on the subject of reference to the Federal Court, but I do wish to repeat once more that this House should be sufficiently self-respecting to carry out its duties regardless of the opposition it may meet and the criticisms it might arouse from whatever source they might come. (*Loud applause*).

Shrimati Dakshayani Velayudan (Madras: General): Mr. Chairman, before I express my views on the Resolution, let me pay my humble homage to our Revolutionary Father, Mahatma Gandhi (*applause*). It is his mystic vision, his political idealism and his social passion that gave us the instruments to achieve our goal. I submit that a Constituent Assembly not only frames a constitution, but also gives the people a new frame-work of life. To frame a constitution is an easy job, because there are many models for us to imitate. But to renew a people on a new foundation requires the synthetic vision of a planner. The Independent Sovereign Republic of India plans a free society. In our ancient polity, there were conflicts between absolutism and republicanism. The slender flame of republicanism was snuffed out by the power political States. The Lichavi Republic was the finest expression of the democratic genius of our ancients. There, every citizen was called a Raja. In the Indian Republic of tomorrow, the power will come from the people . . . . .

We could understand the attitude of the Princes in this matter from the statement made by the members of the Negotiating Committee who represent the Chamber of Princes. But here comes a Maharaja with a historic message to his people, I mean the Maharaja of the Cochin State, which is one of the

most advanced States in India and I am proud to say that I belong to it. Here is a part of the message:

> "I believe in pure constitutional rule and, throughout my life, I have sedulously cultivated an attitude towards life and institutions which are antipathetic to autocracy and personal rule."

From this message it is obvious that the power comes from the people. In the Indian Republic there will be no barriers based on caste or community. The Harijans will be safe in a Republican State of the Indian Union. I visualise that the underdogs will be the rulers of the Indian Republic. I therefore appeal to the Harijan Delegates of this Constituent Assembly that they should not harp on separatism. We should not make ourselves the laughing stock of our future generations by harping on separatism. Communalism, whether Harijan, Christian, Muslim or Sikh, is opposed to nationalism. (*Hear, hear.*) What we want is not all kinds of safeguards. It is the moral safeguard that gives real protection to the underdogs of this country. I am not at all afraid of the future of the Harijans. It is not safeguards that go to improve the status of the Harijans.

The other day we heard Mr. Churchill waxing eloquent over the question of the Harijans. He said that the British Government is responsible for the life and welfare of the so-called Scheduled Castes of India. I would like to ask him one question. What has the British Government done to improve the social status of the Harijans? Did they ever pass any legislation to remove the social disabilities of the Harijans except producing some chaprassis and butlers? And Mr. Churchill also complained that the Harijans were thrown at the mercy of the Caste Hindus, their oppressors. Mr. Churchill cannot take the 70 million Harijans of this land to Great Britain to give them protection. He may give protection to a few communalists who might fly to England. Mr. Churchill should understand that we are Indians. The Harijans are Indians and they have to live in India as Indians and they will live in India as Indians. We also heard recently that the Scheduled Castes are considered as a minority. Nothing of the sort is mentioned in the State Paper of May 16. I refuse to believe that the 70 million Harijans are to be considered as a minority. Neither Lord Pethick-Lawrence, the Secretary of State for India, nor even the Prime Minister, Mr. Attlee, nor even the Leader of the Opposition, Mr. Churchill, is going to improve the condition of the Harijans. What we want is the removal, immediate removal, of our social disabilities. Only an Independent Socialist Indian Republic can give freedom and equality of status to the Harijans. Our freedom can be obtained only from Indians and not from the British Government.

Let me make a personal appeal to Dr. Ambedkar to join the nationalist forces of this country. He is the only leader of the Harijan community and his non-co-operation with the nationalist forces is a great tragedy to the Harijans; his co-operation with the nationalist forces will enhance the emancipation of the Harijans. Here is a unique occasion for [illegible] Sir, (addressing Dr. Ambedkar) to place your services before the country.

The Harijans will be free only in a Socialist Republican India, and let us all support the Resolution and work for its implementation even if it demands the utmost sacrifices from us.

Regarding the amendment brought forward by the Right Hon'ble Dr. Jayakar, I think those who support the amendment get their inspiration from Whitehall and not from the people of this land. Recently we heard much about the postponement of the Constituent Assembly from different quarters. Lord Wavell pleaded for it, Mr. Jinnah insisted on it. I feel that Dr. Jayakar by moving this amendment, is questioning the very validity of the Constituent Assembly and is strengthening the argument put forward by Mr. Churchill the other day in the House of Commons.

[Shrimati Dakshayani Velayudan.]

Dr. Jayakar also expressed a pious sympathy for the people of the States. If by the term 'States' the Hon'ble Member means the real representatives of the States, I can assure the Hon'ble Member that the people of the States are behind the Congress and the Constituent Assembly, (*applause*) and any decision made by the Constituent Assembly will be acceptable to the people of the States.

I think I should make some reference to the views expressed by the Communist leader. In the historic Resolution moved by Pandit Jawahar Lal Nehru, I think every provision is made for the development of every individual in this land. And now the Party which called the war as the People's war, has come here to advise the Constituent Assembly to postpone the consideration of this Resolution for some time. If I am wrong there, I may be excused. The so-called Communists, instead of emancipating the Harijans, are only exploiting them. They promise pieces of land to the Harijans and in that way they try to take them away from the nationalist forces. I think the Communist Party is getting its inspiration from some outside quarter and so it is not for us to accept the views of the Communists. We cannot depend on such a party for our emancipation and our emancipation lies in the national forces which are represented in this Assembly. I therefore hope that in the future independent India the Harijans will have an honourable place as every other citizen of this land.

Mr. Chairman: It is already quarter past one. The House will now adjourn till day after tomorrow, 11 o'clock.

The Assembly then adjourned till Eleven of the Clock, on Saturday, the 21st December 1946.



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

DIVISION OF MIDDLE
EASTERN AND INDIAN AFFAIRS
APR 17 1947
DEPARTMENT OF STATE

AMERICAN EMBASSY

New Delhi, India, March 28, 1947

UNCLASSIFIED

NO. 1017

Subject: Transmitting Constituent Assembly Debates.

The Charge d'Affaires ad interim has the honor to refer to his despatch no. 962 of February 12, 1947 and to forward for the information of the Department Volume I No. 10 and No. 12 of the Constituent Assembly Debates, the official report of the proceedings of the Indian Constituent Assembly for December 21 and December 23, 1946.

845.032/3-2847

RECEIVED
DEPARTMENT OF STATE
1947 APR 14 AM 9 19

Enclosures:

1. Volume I No. 10 dated December 21, 1946, in quintuplicate.
2. Volume I No. 12 dated December 23, 1946, in quintuplicate.

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MAY 8 10 AM

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M.E.Henthorne:meh

Original and four copies to Department.
Copy (with enclosures) to:

Embassy, London.

CS/A

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MAY 3 1947
OFFICE OF INTELLIGENCE
COLLECTION AND DISSEMINATION

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

New Delhi, India, May 5, 1947

CONFIDENTIAL

NO. 1076

SUBJECT: Indian Constituent Assembly: President's Address; Discussion of Union Powers, States Negotiating, and Fundamental Rights Sub-Committees' Reports, April 28 and 29.

845.032/5-547

DIVISION OF MIDDLE EASTERN AND INDIAN AFFAIRS
JUN 13 1947
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

With reference to the Embassy's despatch no. 932 of January 29, 1947 on the subject "End of Second Preliminary Session of Indian Constituent Assembly: Composition of Advisory Committee on Fundamental Rights, Minorities' Rights, and Excluded and Tribal Areas, and of Committees to Examine Scope of Union Subjects and to Determine Order of Business; Unanimous Election of Dr. H.C. Mookerjee, Indian Christian, as Vice President; Press Comment", and to preceding despatches on the subject of the Constituent Assembly, I have the honor to submit comment on the proceedings of the third preliminary session and to enclose copies of the
1/ following: Government press release reviewing the first
2/ and second sessions; press report of proceedings on April 28;
3/ text of Union Powers Committee's report; press report of
4/ Mr. NEHRU's presentation of States Negotiating Committee's
5/ report; and press reports of proceedings on April 29 and
6/ Mr. PATEL's presentation of the Fundamental Rights Sub-Committee's report.

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JUN 11 1947

SIGNIFICANCE OF SESSION

The proceedings of the session under reference are of interest more for the light they throw on the current political situation than for any indication they may provide of concrete improvement in the lot of the Indian people. In the last analysis, members of the Constituent Assembly were marking time, and in conversations with various delegates, including Mr. Nehru, Mrs. Ammu SWAMINATHAN, and JAIPAL SINGH, an officer of the Embassy has gained the distinct impression

that

that, for the time being at least, interest in creating a workable constitution which would bring real benefits to the masses is far from intense.

The fact that the Assembly did not split into sections could have been interpreted as reflecting hope on the part of the Congress leaders that Muslim League members might still participate, but most observers in New Delhi felt it confirmed the impression that Congressmen in general regarded this provision of the Cabinet Mission Plan as a dead issue and assumed there would now be no need for group constitutions. This feeling was clearly reflected in the opening address of the President, Dr. Rajendra PRASAD, when he said there might be "not only a division of India but a division of some provinces" in which case the Assembly might "have to draw up a constitution based on such division".

GOVERNMENT PRESS RELEASE

The unintentionally mock-serious atmosphere surrounding the session was evident in a Government press release issued on April 23 in which the work of the first two sessions was reviewed. This release (Enclosure 1) stated that after "two and a half months of stress and strain" the Assembly would go "forward step by step, courageously and confidently"; that the first meeting on December 9, 1946 attended by "members from the whole of British India" had been held while India "looked on with joyous excitement, now that the undaunted non-violent struggle of five and twenty years was going to bear fruit"; that Mr. Nehru's speech on aims and objects had been "characterized by the press as 'magnificent in its range of vision and in its high idealism'"; that the States Committee had "successfully carried on negotiations with the States Negotiating Committee" as a result of which "representatives of several States" were attending the current session; and that the current session was "racing for time, for it must hammer out a wise and just constitution in good time so that by June 1948" India could "proceed to fashion her destiny on the basis of a new constitution prepared by her own children". As might have been expected, no reference was made to the absence of the Muslim League members of the Assembly.

BACKGROUND

During the first preliminary session, it will be recalled,[1] the temporary president of the Assembly devoted a substantial

portion

1. Despatches no. 872, December 11; 877, December 14; 879, December 17; 886, December 21, 1946.

portion of his address to a discussion of the Constitution of the United States, which he commended to the attention of the delegates; Dr. Rajendra Prasad was made permanent president of the Assembly; Mr. Nehru introduced a resolution on Aims and Objects, final action on which was postponed; six (out of a possible nine) members of the Negotiating Committee were appointed to confer with representatives of the States on methods of selecting representatives of the States in the Assembly, and on distribution of the 93 seats allotted to the States; rules of procedure were adopted; and three committees--Credentials, House, and Finance and Staff--were elected.

Aside from the absence of Muslim League members, which rendered the Assembly ineffectual from the point of view of the Cabinet Mission plan, the most significant development was the debate on Mr. Nehru's Aims and Objects resolution. While Mr. Nehru seemed eager to have it adopted, a considerable number of relatively level-headed members of the Assembly realized its adoption at that time might give the Muslim League further cause for boycotting the Assembly, and would increase doubts entertained by the Princes. With a view, therefore, to encouraging the League members to participate in the Assembly, certain members succeeded in having final action on the resolution postponed until the next session.

The second preliminary session opened on January 20.[2] The President denied charges that the Assembly was not a truly representative body; the Assembly passed a resolution favoring formation of a steering committee; and Mr. Nehru's Aims and Objects resolution was adopted.

Unprejudiced observers felt there was no particular need of calling a session of the Assembly on January 20, while the problems of obtaining League and States participation were still unsettled. Following announcement of the All-India Congress Committee's January 6 resolution, however, Mr. JINNAH gave no indication of any intention of agreeing to League participation in the Assembly; and most Congressmen, maintaining they had for all practical purposes accepted the whole of the Cabinet Mission plan, alleged Mr. Jinnah's reticence made it clear he would never authorize League participation. Congress leaders, therefore, decided to hold the second session, and when at the end of the month the Muslim League Working Committee denounced the Constituent Assembly, it was in a position to argue not only that the Congress resolution of January 6 was merely a conditional acceptance of the grouping clause in the Cabinet Mission plan but also that in adopting Mr. Nehru's resolution the Hindu-controlled Assembly was getting ahead of

itself

2. Despatches no. 926, January 24; 932, January 29, 1947.

portion of his address to a discussion of the Constitution of the United States, which he commended to the attention of the delegates; Dr. Rajendra Prasad was made permanent president of the Assembly; Mr. Nehru introduced a resolution on Aims and Objects, final action on which was postponed; six (out of a possible nine) members of the Negotiating Committee were appointed to confer with representatives of the States on methods of selecting representatives of the States in the Assembly, and on distribution of the 93 seats allotted to the States; rules of procedure were adopted; and three committees--Credentials, House, and Finance and Staff--were elected.

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itself

2. Despatches no. 926, January 24; 932, January 29, 1947.

itself and exceeding its powers.

As the Department will recall, Mr. Nehru's "Charter of Freedom", noble as were the sentiments expressed therein, did not have the force of law, and had no practical effect on the structure of the Cabinet Mission plan. Mr. Jinnah would hardly have been justified in boycotting the Assembly merely because of this resolution, but long before it was passed he had probably decided against participation in the Assembly as long as there were any conditions attached to Congress' acceptance of the Cabinet Mission plan, and this example of Congress bumptiousness simply aggravated his stubbornness.

Committees

Following the second session a number of committees began functioning--The Advisory Committee with its five sub-committees,[3] the Order of Business Committee, the States Committee, and the Union Powers Committee.

If, during the second session, Mr. Patel had any intention of encouraging the League to join the Assembly, it is difficult to understand why he took the chairmanship of the Advisory Committee, whose sub-committees dealt, inter alia, with the all-important subjects of minorities and "fundamental rights". As was reported to the Department at the time,[4] M.R. MASANI, a Parsi Congress member of the Assembly, told an officer of the Embassy he had expressed amazement to his fellow-members when word was passed around that Mr. Patel had decided to be chairman of this committee. Mr. Patel must know that most politically-conscious Muslims in India regard him as the personification of uncompromising Hinduism, and Mr. Masani could not understand why the committee dealing with the subject of minorities should not be headed by a Christian, a Sikh, an Anglo-Indian--or anyone but a Gujerat Hindu. Masani was told by the whip, however, that orders were orders, and he followed instructions. Mr. Masani, who considers himself a Socialist, remarked to the officer of Embassy under reference that for the time being nothing could be gained by opposing the party machine, but that possibly "after five years or so" he and other "progressive" individuals would be able to make their influence felt.

THIRD SESSION

President's Address

As has been indicated, the address delivered by Dr. Rajendra Prasad on the first day of the third preliminary session reflected the growing feeling among Congressmen

that

3. Despatch no. 980, March 4, 1947.
4. Telegram no. 144, February 28, 1947.

that division of India was inevitable. Dr. Prasad said the British Government's declaration of intention to transfer power by June 1948 had added to the urgency of the Assembly's work, and that if it developed that the Union did not comprise all provinces it might be necessary to formulate a constitution based on a division of the country.

States' Representatives

When the third session opened, Udaipur, Baroda, Cochin, Jaipur, Jodhpur, Bikaner, Rewa and Patiala, whose populations are estimated to total in the neighborhood of 20 million (approximately 2/9 of the population of all the Indian States), had agreed to participation in the Assembly. Sir B.L. MITTER (Baroda) and Sardar K.M. PANIKKER (Bikaner) are comparatively outstanding administrators and represent distinct additions to the brainpower of the Assembly, while Mr. Govinda MENON, a capable Socialist politician representing Cochin, will undoubtedly make his presence felt in the Assembly's deliberations.

States Negotiating Committee Report

Presenting the report of the States Negotiating Committee, Mr. Nehru referred to the Princes in much milder terms than those he used at the States People's Conference at Gwalior on April 18 and 19. He said there was no bar to the continuation of monarchical forms of government in the States; that the Constituent Assembly was "not trying to force anyone to join if they" did "not want to"; that the Assembly contemplated no territorial changes except with "the consent of the parties concerned"; and that Congress had accepted the part of the Cabinet Mission statement which declared that States would retain "all subjects and powers other than those ceded to the Union".

Mr. Nehru said the States which did not come in would not have certain privileges, and that once decisions were taken there would be "a widening of the gulf between the two". He said the question of distributing the 93 seats allotted to the Indian States had been settled by the secretariats of the Assembly and the Chamber of Princes within "two hours", which showed that if the Princes and Assembly representatives could "sit together even intricate problems could be solved rapidly". He went on to say, however, that "small difficulties" in implementing the procedure had arisen and that a joint sub-committee of the two Negotiating Committees was ironing out these difficulties. In closing Mr. Nehru said the Assembly invited the Princes to participate; inevitably those who had come in would "march on different paths" even though those paths would

meet

meet again. The report of the States Negotiating Committee, signed by Mr. Nehru, Maulana Abul Kalam AZAD, Mr. Patel, Sir N. Gopalaswami AYYANGAR, Mr. Shankarrao DEO and Dr. Pattabhi SITARAMAYYA (Enclosure 4) was then adopted by the House.

As has been noted, Mr. Nehru, in his references to the Princes, avoided the sort of impulsive remarks he had made some 10 days earlier at the Gwalior conference. It is quite possible that the generally adverse reaction to these remarks--among both his friends and foes--had, for the time being at least, had its effect.

As the Department is aware, no clear indication of the number of States which will participate in the Constituent Assembly is likely to be available until the question of Pakistan is resolved.

Union Powers
Committee Report

In presenting the report of the Union Powers Committee Sir N. Gopalaswami Ayyangar pointed out that if there was any possibility of the Muslim League members of the Assembly participating, the debate on this vital matter should be held over; that a number of States had yet to send their representatives; and decisions arising out of the current political conversations would probably not be available until the Assembly met again in June or July. He said it might therefore be necessary to consider afresh the relationship between the Union and its various units, and moved that his committee be permitted to submit a further report if necessary. This motion was adopted and the Assembly adjourned until the following day.

It will be noted (Enclosure 3) that the report of the Union Powers Committee recommends that the Union assume powers relating not only to defense, foreign affairs, and communications as such, but also to taxation, acquisition of property, and regulation of banking, insurance, and other fields which would give the Union Government powers comparable to those exercized by the Federal Government of the United States. If the Committee's recommendations are eventually incorporated into a constitution the resulting government will represent anything but a "loose confederation".

Fundamental Rights

On April 29 the Assembly considered the interim report of the Sub-Committee on Fundamental Rights presented

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by Mr. Patel. Before discussing the report Mr. Patel informed the Assembly that his Committee had been unable to complete its work in the time originally allotted, and that on April 27 they had decided to request the Assembly to extend the time limit for the admission of the reports. The House agreed to this request.

Mr. Patel explained that the report consisted of two parts--justiciable and non-justiciable. He stated he was presenting the first part, but that this was not in its final form and he merely wished the House to accept the principles underlying the rights discussed.

Mr. Somnath LAHIRI, Communist, described the document as a "policeman's report on fundamental rights" which did not distinguish clearly between justiciable and non-justiciable rights, and proposed that the discussion of the first part of the report be held over. Clause 3, relating to citizenship, provoked considerable discussion and a decision on this subject was postponed.

Dr. AMBEDKAR held there was no particular point in considering the interim report at this stage and suggested it be considered along with the portion of the report which had yet to be written.

Mr. Patel maintained that the Committee had endeavored to find a middle ground between two schools of thought--one that considered it advisable to include as many rights as possible which would be made justiciable issues, and the other school which considered it desirable to limit the field of justiciable rights to a few essential issues. There was, he added, a third school of thought which believed there should be no police, no jails, and complete freedom for lathis and bullets, but that he was not concerned with this school.

It will be noted (Enclosure 6) that Mr. Patel made special reference to the fact that the American Constitution makes "the right of the citizen to be protected in certain matters justiciable"; that he recommended that the rights set out in the report be incorporated into the constitution so as to be binding on all authorities whether of the Union or the units; that he considered it "reasonable" for the Union to enter into agreements with States which depended upon internal customs for a considerable part of their revenue with a view to giving them time to abolish such customs; that he regarded as "very important the provision that full faith and credit be given to the public acts, records and judicial proceedings of the Union in every unit"; and that he recommended an examination of existing laws in India for the purpose of discovering which of these would have to be modified to avoid conflict with the new constitution. It will be further noted that Mr. Patel said the Committee had been unable in the time at its disposal to draft "a suitable formula" regarding the right

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of the citizen to have redress against the State in a court of law without "undue restrictions".

An examination of the list of fundamental rights prepared by the Committee reveals an effort to set goals which are not apt to be approached for years, and perhaps for generations. It is hardly necessary to point out that the caste system alone represents a formidable obstacle to the realization of the democratic ideals set forth in the report, and the task of breaking down the caste system, even if conscientiously pursued, is bound to be slow.

So long as communal tension continues in its present form it is not likely that clauses regarding freedom of speech, assembly, association and movement--even if incorporated into a constitution--will have very much meaning. As the Department is aware, a number of provincial ministries are at present ruling under ordinances which deny virtually all these rights, and there is no reason to believe that such ordinances will not continue in effect indefinitely. There is also reason to believe that when British officials are withdrawn from provincial governments the application of police rule may become even more stern than at present.

Respectfully yours,

George R. Merrell

Enclosures:

1. Five copies Government press release.
2. Five copies proceedings of Assembly, Statesman, April 29.
3. Five copies text Union Powers report, Statesman, April 29.
4. Five copies Nehru's presentation States Negotiating Committee's report, Statesman, April 29.
5. Five copies proceedings of Assembly, Statesman, April 30.
6. Five copies Patel's presentation Fundamental Rights Committee's report, Statesman, April 30.

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Original and hectograph to Department.
Copy to: Embassy, London.
Copy (without enclosures 5 and 6) to:
Moscow, Calcutta, Bombay.

CONFIDENTIAL

Enclosure no. 1 to despatch no. 1076 dated May 5, 1947
from George R. Merrell, Charge d'Affaires a.i. at New Delhi,
India, on the subject: "Indian Constituent Assembly:
President's Address and Discussion of Union Powers, States
Negotiating, and Fundamental Rights Sub-Committees' Reports,
April 28 and 29."

(Background material)

LAYING THE FOUNDATIONS OF FREEDOM

The Constituent Assembly forging Ahead step by step

After two and a half months of stress and storm the Constituent Assembly, will meet again on the 28th April 1947. The eyes of the nation, as well as the eyes of the world, will again be turned to New Delhi as the Constitution-making body goes forward step by step, courageously and confidently, to lay the foundations of an Independent Sovereign Republic. This will be the third session of the Constituent Assembly since December 1946. Hither to it has confined itself apart from the historic Objectives Resolution to provincial matters and the setting up of various Committees. From now on it must take decisions of a far reaching character.

First Session.

More than four months ago, on the 9th December 1946, two hundred and seven members from the whole of British India met in Constitution Hall, New Delhi. This was the first meeting of the Constituent Assembly entrusted by the country with the solemn responsibility of hammering out a constitution for self-governing India. For that occasion messages of good-will had been sent by the Governments of China, Australia and the United States, while India herself looked on with joyous excitement, now that the undaunted non-violent struggle of five and twenty years was going to bear fruit.

Preliminary Work.

Dr. Sinha, the temporary President, delivered his Inaugural Address in which he referred to certain aspects of Constitution making in Europe and the United States and traced the evolution of the concept in India. He pointed out that a generation ago Mahatma Gandhi had made a statement in which the germ of the idea of a Constituent Assembly could be traced. Twelve years later, in 1934, the first Scheme actually providing for a Constituent Assembly was formulated by the "Swaraj Party" and was officially adopted a few days later by the All India Congress Committee at Patna.

On the second day of its session the Assembly adopted the Resolution on the procedure for election of permanent Chairman, adopted provisionally the Central Assembly Rules and Standing Orders, confirmed the then existing organisation of Constituent Assembly Office and appointment of Committee on Rules of Procedure.

The next day, the Constituent Assembly elected the Hon'ble Dr. Rajendra Prasad as its permanent Chairman and elected a Committee of 15 members to frame its Rules. This day of the session was mostly devoted to offering congratulations to the permanent Chairman. All sections of the House participated warmly in this function.

Resolution of Objectives.

On the fourth day of the session the Chairman announced that a Resolution had been tabled by Pandit Jawaharlal Nehru on the Aims and Objects of the Assembly but that he would adjourn its discussion to the following day in order to give the members time

to consider it. The Resolution was moved the next day by Pandit Nehru in a speech that will inspire many generations to come and seconded by Shri Purushottam Das Tandon, the grand old man of the United Provinces. Pandit Jawaharlal Nehru's speech was characterised by the Press as "magnificient in its range of vision, and in its high idealism, at once catholic and unbending." The discussions were continued for four days and some 20 members participated.

On the 21st December the Chairman said that as the list of names of the proposed speakers was very large, and he had about 50 names still before him, he considered that the further discussion of the resolution might be postponed to the next session. The Assembly adopted Mr. K.M. Munshi's Resolution, as amended, regarding election of the Constituent Assembly's Negotiating Committee. The resolution cited the names of six members and left room for the election of not more than three other members later. The Committee was to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States for the purpose of fixing the distribution of seats in the Assembly not exceeding 93 in number, reserved for Indian States, and of fixing the method by which the representations of the States should be returned to the Constituent Assembly.

It adopted the Rules of Procedure and elected members to three Committees, namely, the Credentials Committee, House Committee, the Finance and Staff Committee. The House Committee was to have eleven members, one for each of the eleven provinces. Nine members were elected to the Finance and Staff Committee.

Second Session.

The Second Session of the Constituent Assembly opened on 20th January 1947 with two important Statements made by the President, the Hon'ble Dr. Rajendra Prasad. In one of them he referred to the representative Composition of the Constituent Assembly and exposed the misrepresentations made in Parliament by Mr. Churchill and Viscount Simon.

The Assembly next adopted Sri Satyanarain Sinha's resolution regarding the need to have a Steering Committee for the purpose of arranging the order of business for the day, of grouping similar motions and amendments, and whenever possible of securing the assent of the parties concerned to composite motions and amendments. The Steering Committee was also to act as a general liaison body between the Constituent Assembly and the Sections, between the Sections inter se, between Committees inter se and between the President and any party of the Assembly. The Steering Committee was also to deal with any other matter under the rules referred to it by the Assembly or the President.

Then Pandit Jawaharlal Nehru's resolution of India's Charter of Freedom came up for fuller discussion. Dr. Radhakrishnan, the Hon'ble Mrs. Vijayalaxmi Pandit, Dr. H.C. Mukerji, Rev. Jerome D. Souza, the Rt. Hon'ble Dr. M.R. Jayakar were among those who took an enthusiastic part in the debate. Pandit Nehru replied to the debate as eloquently as he had moved his resolution. Dr. Jayakar asked the House to permit him to withdraw his motion in which he had asked for a postponement of the debate and amid national rejoicing India's Charter of Freedom was adopted by the Constituent Assembly.

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The Advisory Committee and Sub-Committees.

Initially an Advisory Committee of 50 members was set up, and the President of the Constituent Assembly was empowered to nominate upto 22 further members to this Committee. The main function of this Committee was to advise the Constituent Assembly on the Fundamental Rights of Citizens, the protection of Minorities and the administration of backward and tribal areas.

Another Committee consisting of Sir Gopalaswami Ayyangar, Mr. K.M. Munshi and Mr. Biswanath Das was set up on the 25th January 1947 to recommend the order of the further Business of the Constituent Assembly in framing the Constitution for all India. This Order of Business Committee is required to submit its report before the commencement of the next session of the preliminary meeting of this Assembly. Another Committee, known as the 'Union Powers Committee' was appointed on the same day. The function of this committee is to examine the scope of the Union Subjects. Dr. H.C. Mookherjee, the well known Christian leader from Bengal, was unanimously elected Vice-President of the Constituent Assembly.

The various Committees set up by the Constituent Assembly have been functioning with great energy and have got through a great deal of spade work.

The States Committee have successfully carried on negotiations with the States' Negotiating Committee. The 93 seats allotted to Indian stateshave been distributed to the different States and Groups of States according to the population and the method of selection of candidates to the Constituent Assembly has also been agreed to. As a result of these negotiations the representatives of several states will be present at the ensuing session of the Assembly.

The Union Powers Committee have completed their deliberations and their report is now ready. Sir B.L. Mitter, ∠and Sir V.T. Krishnamachari, the Dewans of Baroda and Jaipur, respectively, served on this Committee. The Indian States are as vitally concerned with the subjects allotted to the Union Centre and it was in the fitness of things that the Union Powers Committee was able to secure the help and co-operation of two such distinguished representatives of Indian States.

The Advisory Committee, which has the most comprehensive terms of reference of all the Committees so far appointed by the Constituent Assembly, met on the 27th February, 1947, and set up the following sub-committees to report on the various subjects assigned to it:-

1. Minorities Sub-Committee,
2. Fundamental Rights - Sub-Committee.
3. Excluded and Partially Excluded Areas Sub-Committee.
4. North West Tribal Areas Sub-Committee, and
5. Sub-Committee on the North East Frontier Tribal Areas and the Excluded and Partially Excluded Areas of Assam.

The Sub-Committee on the Excluded and Partially Excluded Areas has undertaken an extensive tour of such areas in Bombay, C.P., Madras, Orissa and Bengal. The Sub-Committee on the Tribal, Excluded and Partially Excluded Areas of Assam is on

tour trying its best to complete the first half of its tour programme before the commencement of the forthcoming session of the Constituent Assembly.

The Fundamental Rights Sub-Committee have completed their work and have submitted their report. This report has been examined by the Advisory Committee and their recommendations will be placed before the Assembly during the next session.

The next session will see an increase in the tempo which is /Indeed already fast./ the Constituent Assembly is racing with time for it must hammer out a wise and just Constitution in good time so that by June 1948, when India takes complete charge of herself, she can proceed to fashion her destiny on the basis of a new Constitution prepared by her own children.

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Enclosure no. 2 to despatch no. 1076 dated May 5, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: President's Address and Discussion of Union Powers, States Negotiating, and Fundamental Rights Sub-Committees' Reports, April 28 and 29."

STATESMAN, April 29, 1947

CONSTITUTION ON BASIS OF DIVISION OF INDIA

Dr. Prasad's Speech In Assembly

STATES' MEMBERS TAKE PART

Work to be Completed By October 1

FROM OUR SPECIAL REPRESENTATIVE

NEW DELHI, Monday.—Representatives of eight Indian States, numbering 12, were present when the third session of the preliminary meeting of the Constituent Assembly began this morning in Constitution Hall. Members from Udaipur, Baroda, Cochin, Jaipur, Jodhpur, Bikaner, Rewa and Patiala were greeted with cheers as they signed the register and shook hands with the President, Dr Rajendra Prasad.

THE President made a statement at the outset in which he said that the Assembly must be prepared not only for a division of India but also a division of some provinces, and it might have to draw up a constitution based on such division. If the proposed Union was not to comprise all the provinces, the Assembly would have to be content with a constitution for a part of it.

He suggested that committees be appointed to formulate the principles on which the constitution was to be framed. Their reports could be considered at a session to be held in June or July. The drafting would then take place and the draft would be scrutinized by the Assembly in September. He expected the final constitution to be ready by the end of October.

Sir Gopalaswami Ayyangar speaking later on the report of the Union Powers Committee said that the proposal was to appoint two committees, one to lay down principles for a Union constitution, and the other for a model provincial constitution. These two committees would work jointly with the Union Powers Committee. In view of the impending political decisions, the Union Powers Committee, which had worked under the terms of the Statement of May 16, might have to submit a supplementary report at a later stage.

Pandit Nehru submitted the report of the States Committee which had met the Negotiating Committee of the Chamber of Princes He defended the decisions that had been taken. He had subordinated his own opinions in dealing with the States. The result had been a compromise in the matter of selection of representatives.

Pandit Nehru said that some States which were parts of groups had found it difficult to send their representatives to the current session.

"Crown Of Freedom"

"In future it is not a Crown of gold or silver that will count but the Crown of freedom."

If the Committee had waited for its decision to be ratified the members from the States would not have been present. He commended the report to the House.

Earlier Sir B. L. Mitter (Baroda), Sardar Panikker (Bikaner), Mr Govinda Menon (Cochin), Sir T. Vijayaraghavachari (Udaipur) and other States' representatives addressed the Assembly. Their common theme was the unity of India.

Mr B. L. Mitter said that they were present by right of being Indians and not by sufferance. They did not believe in isolated independent existence.

Sardar Panikker said that the States had sent members not under pressure or as a result of coercion. Those who attended represented 20 million people of Princely India. Mr Panikker was forthright on the subject of the States' participation. Others who spoke were also enthusiastic.

STATES' MEMBERS CHEERED

The third preliminary session of the Constituent Assembly met on Monday morning when representatives of eight States took their seats in the House, says the Associated Press of India. The States' representatives were loudly cheered as the Secretary called out their names to sign the register. The first to sign the register was the Dewan of Baroda, Sir B. L. Mitter.

The following representatives of the States also took their seats today: Mr P. Govindan Menon (Cochin); Sir T. Vijayaraghavachari (Udaipur); Sir V. T. Krishnamachari and Pt Hiralal Shastri (Jaipur); Mr C. S. Venkatachari and Mr Jainarain Vyas (Jodhpur); Sardar K. M. Panikker (Bikaner); Raja Shiv Bahadur Singh and Lal Yadhavendra Singh (Rewa) and Sardar Yadev Singh and Sardar Gyan Singh (Patiala). The following representatives from the provinces also took their seats today: Dr Katju, Prof K. T. Shah, Mr Mahabir Tyagi, Mr Bhupendranath Burman and Mr Velayudha Pani.

Dr Rajendra Prasad in a speech briefly reviewed the task before the Constituent Assembly and appealed to the members not to be daunted by the immensity of the task or diverted from their purpose by developments which might take place.

He said: "We are meeting just three months after the last session of the Assembly. In the meantime, some important events have happened to which I consider it necessary to make a short reference. Before that I have to give to the House the news of the death of three of our members: Raja Maheshwar Dayal Seth from the U.P., Sir Azizul Haque from Bengal and Mr K.L. Mazumdar from Baroda. I seek the permission of the House to convey to the members of the bereaved families our sympathy with them.

"I may on behalf of the House be permitted to extend a cordial welcome to the representatives of the States who are attending this session and I hope representatives of other States will also be coming soon to assist in the great work which this Assembly has undertaken. I need hardly point out that the tremendous task in which we are engaged requires and expects assistance from all sons and daughters of this country whether they are living in States or in British India and whether they belong to one community or another.

"The future of the country very largely will depend upon the constitution which we are able to frame; and not only the people of this country, but people all over the world are watching our efforts with interest not unmixed with anxiety and it is up to us to make our contribution towards the accomplishment of this task.

"News has come from our neighbour and erstwhile partner, Burma, that a Constituent Assembly has been elected there with objects similar to our own. May I on behalf of the House convey to that body our greetings and good wishes and our great interest in the accomplishment of the task and the attainment of the object of a free Burma that the people of that country have before them?

Need for Quick Actions

"Since we met last the British Government have declared their intention to transfer power to Indians by June, 1948. This has naturally added urgency to our work and we must proceed in a business-like way to draw up our constitution in as short a time as we can. The British Government is pledged to take preparatory measures for transfer of power in advance; and while this is being done we must be ready with our constitution well in advance of the date line to assume responsibility in accordance with the constitution framed by us. I am, therefore, hoping that the Assembly will proceed with all expedition. There are undoubtedly difficulties which the Assembly will have to face, but if we proceed with determination we shall be able to conquer them.

"It will be recalled that the Assembly appointed several sub-committees. The reports of four of these committees will, I understand, be placed before the House in due course. I suggest that the Assembly should proceed to appoint committees to formulate the principles on which the constitution to be framed will be based; and when those principles have been approved the work of drafting the constitution could be undertaken by a suitable agency and finally the constitution so drafted could be considered in detail by this Assembly.

"My suggestion to the Assembly will be that the Sub-Committee for framing the principles should be asked to submit its report in time for consideration by the Assembly some time in June or July and after the report

has been considered by the Assembly the drafting could be done and the Assembly itself could meet in September and finalize the constitution by the end of October What I have suggested is tentative We have already defined our objective and the constitution that has to be framed will naturally have to conform to it.

One Principle

"While we have accepted the Cabinet Mission's statement of May 16, 1946, which contemplated a Union of the different provinces and States within the country, it may be that the Union may not comprise all the provinces. If that unfortunately comes to pass, we shall have to be content with a constitution for a part of it. In that case we can and should insist that one principle will apply to all parts of the country and no constitution will be forced upon any unwilling part of it. This may mean not only a division of India but a division of some provinces. For this we must be prepared and the Assembly may have to draw up a constitution based on such division. Let us not be daunted by the immensity of the task or diverted from our purpose by developments which may take place but go ahead with faith in ourselves and the country which has sent us here."

Speaking on behalf of all the representatives of States who were present, Sir B. L. Mitter thanked the President for the welcome extended to them. He wished more of the States representatives were present He had hopes, however, that the would be in at the next session.

Declaring that the Indian States were an integral part of India, he added: "We wish to share in the freedom of India. We, therefore want to share the responsibility of framing the constitution. We are here by right of being Indians (cheers). We claim that we are in a position to make substantial contribution to the common task we have before us.

"We want to march along with you but the pace has to be regulated without impeding the forward movement. We are at one with you in that the Indian Union should be strong at the Centre so that India may hold her head high in the comity of nations. We do not believe in isolated independent existence which can only weaken the Union. We have come in a spirit of wholehearted co-operation and not in a spirit of securing special privileges at the cost of the Union (cheers). We shall endeavour to make the constitution develop according to the genius and capacity of the different units so that we may make it natural and healthy."

Sardar K. M Panikkar (Bikaner) said: "I consider that the taking of seats by representatives of certain States today has a symbolic value which far outweighs the actual number of representatives who have actually joined or the insignificance of the members who have taken their seats. It is a symbol of the unity to come. In the co-operation between representatives of States and provinces which begins today, we can happily look forward to the new India."

No Coercion

Referring to suggestions that the Indian States were being coerced to join the Assembly, he added: "I should like to make it clear that we are here by no means as a result of any coercion or any pressure. There has been no coercion or pressure used on us. To suggest that we are here under coercion is really an insult to us: because are we so disinterested in the affairs of India that we have to be coerced to take action in a matter in which it is our right and duty to take part?"

Mr Panampilly Govinda Menon (Cochin) said that in the matter of joining the Assembly as well as in regard to many other matters, the attitude of the Maharaja of Cochin had been unequivocal right from the beginning. As early as June, 1946, the Maharaja had declared that the people would elect their own representatives to the Constituent Assembly.

Sir Vijayaraghavachari (Udaipur) said: "My feeling is that though we may come from different provinces and States we are not here on behalf of any particular part of India. We are all members of India (cheers). It is in this spirit that we shall all do our work here—not on behalf of any parochial interests or any sectional interests, but on behalf of the interests of the one nation of India."

Mr Jainarain Vyas (Jodhpur) and Raja Nath Shivbahadur Singh (Rewa) thanked the members of the Constituent Assembly on behalf of the States people for their efforts to see that they received representation in the Assembly.

Talks With Princes

Pandit Nehru then moved that the Assembly record the report of the States' Negotiating Committee.

Stating that the negotiations between the two Committees—the Assembly's and the Princes'—had served to clarify a number of points which the Princes had raised in the course of their discussions, Pandit Nehru gave a resume of these talks. Throughout the negotiations he and his colleagues were anxious to get going, and remove any misapprehensions that might exist in the minds of the Rulers' representatives. There had been no difficulty about this, for most of the things they had to explain had already been said in the House. Recalling his statement at the last session, that while the Assembly was deciding in favour of a Republic for India as a whole, there was no bar to monarchical forms of government continuing to exist in the Indian States, Pandit Nehru said, these had been explained to the Princes' Negotiating Committee.

A second question raised was about the scope of the Assembly's work, that is, how far the Cabinet Mission's statement of May 16, 1946, had been accepted. "This was an unnecessary question, because, obviously, we have accepted and are functioning in accordance with that statement. There the matter ends. I do not know what future changes may take place, and how we will try to fit those changes into our work."

No Coercion

This question, Pandit Nehru said, obviously led to the scope of the Union powers. This had been clearly laid down in the Cabinet Mission's statement. Subjects not to be dealt with by the Union were subjects to be dealt with by the units. What the Union subjects might be or might not be was a matter of further consideration, now or at a later date.

The question of joining the Assembly or not joining the Assembly, as Sardar Panikkar had pointed out, was entirely voluntary. There could be no coercion, either on States or on Provinces or on any other part of India, to participate in this Assembly. There could be no coercion except of course the coercion and compulsion of events which no one could ignore.

"It is true that after certain units or parts of India decide to come in, they accept certain responsibilities and get certain privileges. Those who do not come in, do not get those privileges or shoulder those responsibilities. Once decisions were taken, however, there would be a widening of the gulf between the two."

On the question of continuance of monarchies, Pandit Nehru said he was personally not in favour of them. He thought in the world today this system could not be considered popular. It was a passing institution; he did not know how long it would last. "But in this matter my views are of little moment. What matters is what this Assembly desires and what it is going to do. We have made it clear on previous occasions that we do not wish to interfere in the internal arrangements in the States. It is for the people of the States to decide what they want and what they do not want. The question does not arise in this Assembly. We are dealing here with Union matters, Union subjects, fundamental rights and the like. The question of monarchies does not arise here. So far as we are concerned, we are not going to raise it here."

Territorial Adjustments

Referring to the question of future territorial adjustments, Pandit Nehru said there were bound to be future adjustments in India but it had no connexion with the Indian States as such. There was provision for suitable units coming into existence as, obviously, it would be impossible to have tiny parts coming in separately. The question of division of provinces was also bound to arise in the future. The partition of Bengal and the Punjab were already being publicly discussed for certain other reasons.

The question of distributing the 93 seats allotted to the Indian States was referred to the secretariats of the Constituent Assembly and the Princes Chamber. Within two hours they had produced an agreed procedure. The fact that this intricate and difficult question had been settled in such a short time showed that if we could sit together, even intricate problems could be solved rapidly.

Since the agreed procedure was framed, there had, no doubt, been small difficulties in implementing it. A Joint Sub-Committee of the two Negotiating Committees was ironing out these difficulties. For instance, there were some States which were very keen on coming in, but which could not do so until the group to which they had been consigned, came into existence. Cutch was an instance. These difficulties would, no doubt, be got over.

Appealing to the Indian States to participate in the Assembly, Pandit Nehru reminded them that "the task we have undertaken is difficult. We are building for the future, and we want to make sure that we build on strong foundations.

Destructive Forces

"Above all, we meet at a time when destructive forces are at work in India. It is unfortunate. There is a great deal of passion and prejudice in the air. We must take care that our minds are not affected by these. We must not let these matters of the moment make us forget the ultimate problems we have to solve. We have to take final decisions, and they are big decisions. We have to be realists. It is in this spirit of realism and idealism that the Negotiating Committee approached the task."

Pandit Nehru deprecated talks of assurances and said: "What assurance is this House going to give to anybody in India, except the assurance of freedom? Even that will ultimately depend on the strength of the Indian people afterwards. If we are not strong enough and wise enough to go the right path, the structure might be shattered. With what assurance have we struggled for the freedom of India all these years? We have looked forward to it and dreamt. Perhaps it is coming, and perhaps not, in the shape in which we have wanted. We have no guarantee about ourselves or about our future. In the normal course of events, the only partial guarantee we had was the guarantee of tears and trouble; and, we had plenty of them. It may be, we will have plenty of that in the future too, but we shall face it; the House will face it and the people of India will face it."

Citizens Of Free India

The time was coming soon, Pandit Nehru said, when Rulers or anybody else, would consider it a privilege to be the free citizen of a free India, rather than to be called by any other appellation or title.

"We guarantee nothing to anybody," Pandit Nehru reiterated and said: "There is the freedom which we hope to achieve, and we invite them to participate and welcome them to join us." Inevitably, today there was the difference between those who had come in and those who had not, and they would march no different paths, and even so those paths would meet again and meet soon and not later.

People, he said, seemed to attach a great deal of importance to words and phrases. He asked whether what he had said on behalf of the Committee, was not good enough. The Committee had nothing to hide.

Mr Somnath Lahiri (Communist) asked how many of the representatives of the States who took their seats today were elected by the people, and how many nominated by the Rulers

The President, Dr Rajendra Prasad, said that of the 16 representatives, 11 were elected and five were nominated.

Dr Kailashnath Katju supported Pandit Nehru's motion, and expressed the hope that all States would join the Assembly soon.

The House agreed to the motion.

Union Powers Committee

Sir N. Gopalaswami Ayyengar, who presented the report of the Union Powers Committee, said that such a vital matter connected with the framing of the Constitution should be considered carefully and read through. Emphasizing that the Committee had to work within the scope of the Cabinet Mission's plan, Sir Gopalaswami

referred to the absence of the Muslim League members, and said that if the possibility of the League members participating in the Assembly materialized, it would be only just and reasonable that the debate on the subject should be held over till such time.

Whether they would come in or not would be definitely known before the June or July session of the Constituent Assembly, and that was the main reason why they were not proceeding with the adoption of the report at the current session.

Then there were a large number of States yet to come in They were vitally interested in the report, and it was desirable that as full representation as possible should be in the Assembly before discussing the subject.

Present Conversations

Lastly, Sir Gopalaswami said, there was the question of the present political conversations. Decisions on these conversations were not available yet, but they would be available in all probability before the Constituent Assembly met again in June or July. Decisions would be of the most important character, and they would have very important repercussions on the plan of work which this Constituent Assembly would have to adopt in framing the constitution.

If that decision took the shape of anything like a division of India into two or more independent States, it might become necessary to deviate from the rigid formality of the Cabinet Mission's statement. Perhaps it might be necessary to consider afresh, and thoroughly examine the relations between the Union and the units as regards the exercise of legislative and administrative powers.

Therefore, Sir Gopalaswami said, the present report should not be taken as the final report of the Committee, as it might need to be oberhauled for the considerations he had mentioned.

The House agreed to his motion as seeking permission to submit a further report if necessary.

The Assembly then adjourned.

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Enclosure no. 3 to despatch no. 1076 dated May 5, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: President's Address and Discussion of Union Powers, States Negotiating, and Fundamental Rights Sub-Committees' Reports, April 28 and 29."

STATESMAN, April 29, 1947

Scope Of Union Powers: Control Of Indian States Forces Included

The following is the text of the Union Powers Committee report, which Sir N Gopalaswamy Ayyengar presented to the Constituent Assembly in Delhi on Monday:—

We, the undersigned members of the Committee appointed by the resolution of the Constituent Assembly of January 25 to examine the scope of Union power, have the honour to submit this our report. Sir V. T. Krishnamachari, and Sir B. L. Mitter were nominated to the Committee on April 10, 1947, and the rest of us have had an opportunity of going over the entire ground again with them.

We consider that the scope of the subjects, defence, foreign affairs and communications, in the Cabinet Delegation's statement of May 16 covers the following:—

Defence

A. "Defence" connotes the defence of the Union and of every part thereof and includes generally all preparation for defence, as well as all such acts in times of war as may be conducive to its successful prosecution and to effective demobilization after its termination. In particular, "defence "includes:—

(1) The raising, training, maintenance and control of naval, military and air forces and employment thereof for the defence of the Union and the execution of the laws of the Union and its units; the strength, organization and control of the existing armed forces raised and employed in Indian States;
(2) Defence industries;
(3) Naval, military and air force works;
(4) Local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas and the delimitation of such areas;
(5) Arms, fire-arms, ammunition and explosives;
(6) Atomic energy, and mineral resources essential to its production.

"We recommend further that in order to enable the Union Government effectively to discharge its responsibility for defence, it should be vested with the powers similar to those contained in Sections 102 and 126-A of the Government of India Act 1935.

Foreign Affairs

B. "Foreign Affairs" connotes all matters which bring the Union into relation with any foreign country and in particular includes the following subjects:—

(1) Diplomatic, consular and trade representation;
(2) The United Nations Organization;
(3) Participation in international conferences, associations and other bodies and implementing of decisions made thereat;
(4) War and peace;
(5) The entering into and implementing of treaties and agreements with other countries;
(6) Trade and commerce with foreign countries;
(7) Foreign loans;
(8) Naturalization and aliens;
(9) Extradition;
(10) Passports and visas;
(11) Foreign jurisdiction;
(12) Admiralty jurisdiction;
(13) Piracies, felonies committed on the high seas and offences committed in the air against the law of nations;
(14) Admission into, and emigration and expulsion from, the Union;
(15) Port quarantine;
(16) Import and export across customs frontiers as defined by the Union Government;
(17) Fishing and fisheries beyond territorial waters.

Communications

C. The term "communications", although it is wide enough to cover any connexion between places, should, for the present purposes of the Union, in our opinion include the following:—

(1) Airways;
(2) Highways and waterways declared by the Union to be Union highways and waterways;
(3) Shipping and navigation on inland waterways, declared by the Union to be Union waterways, as regards mechanically propelled vessels, and the rule of the road on such waterways, carriage of passengers, and goods on such waterways;

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(4) (a) Posts and telegraphs; provided that the rights existing in favour of any individual State unit at the date of the establishment of the Union shall be preserved to the unit till the same are modified or extinguished by agreement between the Union and the units concerned, subject however to the power of the Union to make laws for the regulation and control of the same

(b) Union telephones, wireless, broadcasting and other like forms of communication; the regulation and control of all other telephones, wireless, broadcasting and other like forms of communication:

(5) Union railways; the regulation of all railways (other than minor railways) in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers;

(6) Maritime shipping and navigation, including shipping and navigation on tidal waters; admiralty jurisdiction;

(7) Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein;

(8) Aircraft and air navigation; the provision of aerodromes, regulation and organization of air traffic and of aerodromes;

(9) Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft;

(10) Carriage of passengers and goods by sea or by air;

(11) Union meteorological services;

(12) Inter-unit quarantine.

Taxation And Loans

D. The expression "the powers necessary to raise the finances required" for the Union subjects in the Cabinet Mission's statement necessarily includes the power to raise finances by taxation and loans. In existing circumstances, we recommend the following sources of revenue for the Union:—

(1) Duties of customs, including export duties;

(2) Excise duties;

(3) Corporation tax;

(4) Taxes on income other than agricultural income;

(5) Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies;

(6) Duties in respect of succession to property other than agricultural land;

(7) Estate duty in respect of property other than agricultural land;

(8) Fees in respect of any of the matters in the list of Union powers, but not including fees taken in any court, other than the Union court.

We realize that, in the matter of industrial development, the States are in varying degrees of advancement and conditions in British India and the States are in many respects dissimilar. Some of the above taxes are now regulated by agreements between the Government of India and the States. We, therefore, think that it may not be possible to impose a uniform standard of taxation throughout the Union all at once. We recommend that uniformity of taxation throughout the units may, for an agreed period of years after the establishment of the Union not exceeding 15, be kept in abeyance and the incidences, levy, realization and apportionment of the above taxes in the State units shall be subject to agreements between them and the Union Government. Provision should accordingly be made in the constitution for implementing the above recommendation.

This is in addition to the recommendations of the Sub-Committee on Fundamental Rights regarding internal customs duties.

Acquisition Of Property

3. It is impossible to enumerate the power implied or inherent in or resultant from the express powers of the Union. We think that in any case the following powers come within the category:—

(1) Union judiciary;

(2) Acquisition of property for the purposes of the Union;

(3) Union agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies;

(4) Census;

(5) Offences against laws with respect to any of the matters in the list of Union powers;

(6) Inquiries, surveys and statistics for the purposes of the Union;

(7) Union services;

(8) Industrial disputes concerning Union employees;

(9) The Reserve Bank of India;

(10) Property of the Union and the revenue therefrom;

(11) Public debt of the Union;

(12) Currency, coinage and legal tender;

(13) All subjects in respect of Union areas;

(14) Powers to deal with grave economic emergencies in any part of the Union affecting the Union.

Insurance And Company Laws

4. We are of the opinion that provision should be made in the new constitution for the recognition throughout the Union of the laws and public acts and records of the judicial proceedings of the units and for judgment and orders delivered in one unit being enforced in other units. We note that a provision to this effect has already been made in the list of fundamental rights.

5. In addition to the above subjects which, in our view, come within the scope of Union powers in accordance with the Cabinet Mission's statement, we hope that the following subjects will also be included in the Union list by agreement:—

(1) Insurance;
(2) Company laws;
(3) Banking;
(4) Negotiable instruments;
(5) Patents, trade marks, trade designs; copyrights;
(6) Planning;
(7) Ancient and historical monuments;
(8) Standard weights and measures.

Such an agreement will ensure uniformity, throughout the territories of the Union, in matters bearing on trade and commerce as has in fact been recognized in many federal constitutions. We have included planning in the above list for the reason that although authority may rest in respect of different subjects with the units it is obviouly in their interest to have a coordinating machinery to assist them.

6. We recommend the insertion in the constitution of a provision on the lines of Article XXXVII of Section 51 of the Australian Constitution Act.

7. We also recommend that by agreement there may be a list of concurrent subjects as between the Union and the units.

(Sd). Jawaharlal Nehru
Govind Ballabh Pant
B. L. Mitter
Jairamdas Daulatram
N. Gopalaswami Ayyengar
K. M. Munshi
V. T. Krishnamachari
B. Pattabhi Sitaramayya
Biswanath Das
A. Krishnaswami Ayyar.—API.

Enclosure no. 4 to despatch no. 1076 dated May 5, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: President's Address and Discussion of Union Powers, States Negotiating, and Fundamental Rights Sub-Committees' Reports, April 28 and 29."

STATESMAN, April 29, 1947

CABINET MISSION SCHEME A VOLUNTARY ONE

PANDIT NEHRU PRESENTS REPORT ON TALKS WITH STATES' NOMINEES

Pandit Nehru presented tc the Constituent Assembly on Monday the report of the committee of the Assembly appointed to negotiate with the States Negotiating Committee.

He said: "The first series of our joint meetings with the States Negotiating Committee were held on February 8 and 9, 1947. The discussion largely centred on the scope of suojects to be negotiated between the two committees.

"It was urged by the States Negotiating Committee that there had been no decision yet on the part of the States to enter the Constituent Assembly and that it would not be possible for them to decide this issue till they received satisfactory assurances on a number of points mentioned in the resolution adopted on January 29, 1947, by the general conference of Rulers. On the other hand, we pointed out that most of those points could only be discussed by a fully constituted Constituent Assembly, including the representatives of the States. They were in any case clearly beyond our competence as a committee, our own function being limited to the matters laid down in the resolution of the Constituent Assembly passed on December 21, 1946.

"But while we were not prepared as a committee to discuss matters going beyond our mandate, we raised no objection to discussion, in a friendly and informal manner as individuals, of certain difficulties, and to removing misapprehensions which seemed to be causing concern to the Princes."

Important Points

The more important of the points cleared up during these discussions were summarized by Pandit Nehru as follows:

"The first thing to be clear about is to proceed with the full acceptance of the Cabinet Mission's statement. Apart from the legality of that statement, one thing seems obvious to me namely, that the scheme is essentially a voluntary one, where no compulsion, except, as I said, compulsion of events, is indicated. No doubt, so far as we are concerned, we accept it as a voluntary scheme where people may join as individuals, as groups, or Rulers or otherwise. We are not trying to force anyone to join if they do not want to. It is a matter for negotiation throughout.

"Now, to go back, apart from the acceptance of the scheme which is basic, some points were raised yesterday. One was about the monarchical form of government. That question has not arisen at all in the Constituent Assembly nor, so far as we can see, does it arise at all from the statement. But it has been repeatedly stated on our behalf in the Constituent Assembly, as outside, that we have no objection to it, we accept that, and we do not want to come in the way of the monarchical form of government at all. This has been made perfectly clear.

Territorial Adjustments

"Another point that we raised in our discussion yesterday was about some apprehension about territorial readjustments. I tried to point out that the resolution passed by the Constituent Assembly had no reference in the minds of those who framed it or who proposed it, to any change regarding the States. It has no relation to the States. It was an indication that provision will be made in the constitution, or in the process of regrouping units, where some changes may have to be made. It had no reference to changing boundaries. I can concede territorial boundaries being changed for economic reasons and for facilitating Governmental purposes, but any such territorial readjustments, we are quite clear, should be made with the consent of the parties concerned, and not be forced down. I say, for the moment we are not thinking in terms of any such thing; but if this question arises, it should be essential that the parties concerned should consent to it.

"The scheme, as has already been stated, is a voluntary one, and whether in regard to the entry into the Constituent Assembly or subsequently when the Constituent Assembly decides and comes to conclusions, there will be no compulsion, and the States will have the right to have their say at any stage just as anybody else will have the right to have their say at any stage. So the coercive factor must be eliminated from that.

Subjects and Powers

"In regard to some confusion which has possibly arisen in regard to subjects and powers, we go on what the Cabinet Mission's statement specifically says. The Cabinet Mission's statement said: 'The States will retain all subjects and powers other

man those ceded to the Union.' That is perfectly clear. We accept that statement, we accept that entirely. Generally speaking, those are the matters that came up yesterday in the course of discussion, and perhaps we might proceed on that basis and consider matters now.

"We further explained that the Constituent Assembly could not possibly take up the position that they were not prepared to discuss matters with States not represented on the Chamber of Princes Negotiating Committee; or with representatives of States' people, as they would involve an element of compulsion which was contrary to their conception of the scheme.

"A general understanding having been arrived at, as a result of the above exchange of views, the States Negotiating Committee proceeded to consider the two matters on which we had been asked to negotiate by the Constituent Assembly. After a preliminary discussion, it was decided that the question of the distribution of the 93 seats should be referred to the Secretariats of the Constituent Assembly and the Chamber of Princes, and their recommendations placed before the next meeting of the two committees on March 1, 1947.

Approach By Baroda

"Meanwhile, the Dewan of Baroda had asked for direct negotiation with us on the representation of Baroda in the Constituent Assembly. We accordingly met Sir B. L. Mitter on February 9. In the course of discussion, he made it clear that it was the decision of the Baroda State, both the Ruler and the people, to give the fullest co-operation to the Constituent Assembly in its work and that they were prepared to take steps forthwith for the selection of representatives so that these could take part in the work of the Assembly at the earliest possible date. It was agreed between us and the Dewan that Baroda should, having regard to its population, send three representatives and that these should be elected by the Dhara Sabha (the State legislature) on the principle of proportional representation, by means of the single transferable vote, and that only its elected and nominated non-official members should take part in the election.

"The next joint meeting of the two committees was held on March 1, 1947. At this meeting we urged that HMG's declaration of February 20 had introduced an additional element of urgency in our task and that it would be greatly to the advantage of the States, no less than to the British Indian representatives in the Constituent Assembly, if States' representatives could join the Assembly during April session. We pointed out that there was nothing in the State Paper of May 16 which operated as a bar against States doing so. We also suggested that it would be to our mutual advantage if States' representatives could function forthwith on some of the committees set up by the Constituent Assembly, particularly the Union Power Committee and the Advisory Committee on Fundamental Rights, etc. The States Negotiating Committee, however, expressed their inability to take these steps in the absence of a mandate from the General Conference of Rulers whom they promised to consult at an early date.

"We have been informed that the States of Baroda, Jaipur, Jodhpur, Rewa, Cochin and Bikaner have already selected their representatives in accordance with the agreement arrived at. These representatives have been invited to take their seats at the forthcoming session of the Assembly. The States of Patiala, Udaipur, Gwalior and Bhavnagar have also announced that these will take part in the work of the Constituent Assembly."

The report was signed by Pt Nehru, Maulana Abul Kalam Azad, Sardar Vallabhbhai Patel, Sir N. Gopalaswami Ayyangar, Mr Shankarrao Deo and Dr Pattabhi Sitaramayya.

The report has three appendices. The first contains the text of the resblution passed by the Chamber of Princes on January 29, reiterating the willingness of the States to co-operate in framing an agreed constitution for the proposed Union of India in accordance with the accepted plan of May 16.

Appendix B outlines the proposed allocation of seats among the States and gives three groups, the first containing the names of those States entitled to at least one seat each and a total of 60 seats for a population of 62 millions. The second group refers to groups of the Frontier States with a total of four seats and a total population of 3.3 millions. The third and last group allocates a total of 29 seats to groups of interior States with a total population of nearly 28 millions.

As in British India, seats to individual States have been allocated on the basis of one seat for one million of the population .

The last appendix gives the text of the resolution passed by the Princes at their meeting in Bombay on April 2. —API.

Enclosure no. 5 to despatch no. 1076 dated May 5, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: President's Address and Discussion of Union Powers, States Negotiating, and Fundamental Rights Sub-Committees' Reports, April 28 and 29."

STATESMAN, April 30, 1947

DISAGREEMENT OVER BASIS OF INDIAN CITIZENSHIP

Lively Debate In Assembly

PRINCIPLE OF BIRTH OR RACE UNDECIDED

Report on Fundamental Rights Discussed

FROM OUR SPECIAL REPRESENTATIVE

NEW DELHI, Tuesday.—The Constituent Assembly considered the report of the Sub-Committee on Fundamental Rights this morning. During the general discussion a Liberal and a Communist criticized the division of the report into two parts and suggested that the first part, before the House, be held over.

ANOTHER lively debate took place over Clause 3 of the report, dealing with citizenship. Legal experts talked at length of the principle on which citizenship was to be based—whether it was to be on the Anglo-American pattern, based on birth, or on the Continental theory of race. The House remained dissatisfied with the Clause, which was eventually referred to a committee of lawyers, to be nominated by the President, for redrafting.

Sardar Patel introduced the report and explained that it was to be in two parts—justiciable and non-justiciable. This was the first part and it was not final. When the constitution was drafted, this report might also undergo verbal change. All he requested the House to do was to accept the principles underlying the Rights set forth.

Pandit Kunzru contended that the report—which was said to relate to justiciable rights—included other matters. He proceeded amid a few interruptions to cite instances in which the report had departed from its scope. He said that there seemed to be no particular advantage in considering the report at this stage.

Mr Somnath Lahiri (Communist) agreed with Pandit Kunzru. He was very critical of the report, which he said was a "policeman's report on Fundamental Rights." It was difficult to make a distinction between justiciable and non-justiciable rights. There was no great hurry for these few rights to be passed. He said that the report did not stress freedoms such as those of speech and of the Press. With his recent 50 days' detention in a Bengal jail in his mind, he also spoke of detention of people without trial.

Mr Thakur, Mr Sidhwa and Prof Ranga also spoke. Sardar Patel, in his reply maintained that this was not a haphazard report. He said that the Sub-Committee had considered the constitutions of the world before it had drafted it.

Citizen Of Union

The report was taken up clause by clause There were many amendments to each, but Clause 3 was the most contentious. It said: "Every person born in the Union or naturalized in the Union according to the laws and subject to the jurisdiction thereof shall be a citizen of the Union."

Sir Alladi Krishnaswami Ayyar explained that the Sub-Committee had adopted the Anglo-American model rather than the Continental one for drafting this clause.

Many raised doubts and made queries and Sir Krishnaswami Ayyar replied The President himself wanted to know what would happen to a child born of parents of foreign nationality while in transit. The member from Madras replied that the U.S. Supreme Court had ruled that such children had no claim to citizenship.

Sardar Patel said that the eyes of the world were on the Assembly and India had to show that her constitution was not going to be framed from a narrow point of view.

By the desire of a large majority, however, a decision was postponed.

MINORITIES' RIGHTS

The Constituent Assembly on Tuesday morning passed Sardar Vallabhbhai Patel's motion seeking extension of time for the presentation of the report of the Advisory Committee on Minorities.

Sardar Patel reminded the House that when the Assembly had passed the resolution setting up the Advisory Committee on January 24, it was decided that the Committee should submit the interim report on the minorities rights within 10 weeks. The final report was to be presented within three months of the date of the appointment of the Committee. The Committee had tried its best to adhere to this time-table, but he regretted it had not been possible to do so. At its meeting held on April 27 the Committee unanimously decided to request the Assembly to extend the time-limit for the submission of the reports.

The House unanimously agreed to the motion.

Fundamental Rights

The Assembly then took up Sardar Patel's motion to take into consideration the interim report on fundamental rights.

Sardar Patel recalled that when the Committee had sat down to consider the fundamental rights to be incorporated in the constitution, they had decided that these should be divided into two parts—justiciable and non-justiciable. He said that even while studying the first part, the Committee had come to the conclusion that it could not reach final decisions as to all the fundamental rights to be incorporated in the constitution. Considering the circumstances that existed today and that might arise during the course of the examination of the reports and the drafting of the constitution, points might arise for suggesting additional fundamental rights or making minor alterations or suggestions. The report being presented today was therefore only a preliminary one.

Sardar Patel urged the Assembly, while considering the report, not to devote too much time to the wording of each clause. Certain changes, he said, might be necessary when legally drafting the clauses, and these might as well be left over to the drafting committee.

The report presented today only dealt with justiciable rights The Committee itself had not been able to consider the non-justiciable rights. The report had been sent to the Minorities Committee as well, and certain changes suggested by them had been adopted. It was thus not a haphazard report: it had been considered in its various aspects although it was possible to make suggestions and alterations, additions and minor amendments.

Non-Justiciable Rights

Pandit Hirday Nath Kunzru said that the report included certain matters which could not be included in fundamental rights, and it also dealt with some fundamental rights which were not strictly justiciable. Giving an instance of the former, he referred to Clause 10 in the report providing for freedom of inter-State commerce. This could not be included, he said, among fundamental rights as it was a matter which impinged directly on the rights of the provinces. It might be dealt with when considering the powers of the Union and the provinces.

Pandit Kunzru then gave two instances where "matters which could hardly be called justiciable had been included among justiciable fundamental rights" in the report. Clause 8 referring to freedom of speech, right of assembly etc., had been ringed in by safeguards. No doubt these safeguards were considered necessary everywhere in the world. But it was well known that these safeguards practically made the aforementioned rights non-justiciable. "You might confer general rights on the citizens of India, but if these rights were to be surrounded by restrictions, then such rights would cease to be justiciable."

Pandit Kunzru also referred to Clause 8 (E) which refers to the "right of every citizen to reside and settle in any part of the Union, to acquire property and follow any occupation, trade, business or profession," with the provision that by law such reasonable restrictions as might be necessary in public interest be imposed, including the protection of minority groups and tribes. He said it was very desirable that there should be freedom of movement in the Union but he could not accept, without qualification, the right of people from one province to settle in another province.

The provinces must have the right to decide what the extent of its population at any time should be. They could not be asked to allow an unlimited influx of immigrants from another province. The case of Assam was an instance. Would anybody now force the Assam Government to allow an unlimited number of people from the neighbouring provinces to enter Assam and settle down there?

A number of members—Dr Ambedkar, Dr Pattabhi Sitaramayya, and Mr Frank Anthony—pointed out that Pandit Kunzru could not go on analysing in detail the report at the consideration stage. But Pandit Kunzru explained that he was merely making general observation and illustrating his points by a few references.

When Dr Ambedkar pointed out that the proviso to Clause 8 (E) had made provisions for reasonable restrictions on immigration, Pandit Kunzru said that a special interpretation would have to be put on the clause if it was to serve this purpose. Again, if the proviso was as wide as Dr Ambedkar contended, then it could cease to be justiciable.

He submitted there was no particular advantage in considering the report at this stage. It might be considered along with the other fundamental rights which had still to be dealt with by the Fundamental Rights Committee.

Mr P. R. Thakur said that only justiciable rights should be considered at this stage.

Mr Somnath Lahiri, the Communist member, criticized many features of the report and asked why there was no explicit reference to the freedom of the Press. He characterized the report as "fundamental rights from a policeman's point of view and not for a free India." He supported the objections put forward by Pandit Kunzru.

Mr R. K. Sidhwa said that many of the criticisms were untenable because this was mainly an interim report, and personal and political rights would have to be elaborated at a future stage.

Patel's Reply

Sardar Patel replying to the debate pointed out that the report was not the product of any haphazard attempts. There were two schools of thought in the Committee which consisted of eminent lawyers, and every sentence including punctuation marks had been very critically scrutinized. One school of thought in the Committee considered it advisable to include as many rights as possible which could be made justiciable issues. The other school of thought considered it advisable to restrict fundamental justiciable rights to a few essential issues. Between these two schools of thought there was considerable discussion and a mean was drawn.

It must not be understood, Sardar Patel said, that this report was just an interim report and that the second report would be a bigger or more important report. It could not be in the nature of things that the principal report would be of less importance than the supplementary report. Incidentally the present report had been gone through by three committees.

Sardar Patel remarked that there was a third school of thought which was absent. According to that school, there should be no police, no jails, there should be complete freedom for lathis and bullets, and in fact everybody should be free to do anything he liked. He was not concerned with this school at present.

In drafting the report the Committee went through the fundamental rights provided for in several constitutions. The House, however, was entitled to suggest modifications and as many as 150 amendments had been received within the last 10 hours. On general principles there was not much room for discussion, and he hoped the House would proceed with the discussion of the clauses.—API.

Enclosure no. 6 to despatch no. 1076 dated May 5, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: President's Address and Discussion of Union Powers, States Negotiating, and Fundamental Rights Sub-Committees' Reports, April 28 and 29."

STATESMAN, April 30, 1947

FREEDOM AND EQUALITY FOR ALL

FUNDAMENTAL RIGHTS COMMITTEE REPORT

Sardar Patel, Chairman of the Advisory Committee of the Constituent Assembly, at Tuesday morning's session of the Assembly moved that the interim report of the Fundamental Rights Sub-Committee be taken into consideration. In a note to the President he said: "We attach great importance to the constitution making these rights justiciable". He emphasized that the rights would have to be respected in all units of the Union as otherwise they would have no value."

The fundamental rights contained in the report are equality of all persons regardless of religion, race, caste or sex. Consequent to the recognition of such equality the report says that untouchability in all forms should be abolished. Other rights include freedom of speech, assembly, association, movement, acquisition of property and occupation; prohibition of traffic in human beings and forced labour; freedom of religion and of worship but the prohibition of forcible conversion, protection of the cultural and religious rights of minorities; habeas corpus and the right to constitutional remedies.

Sardar Patel continued: "The Fundamental Rights Sub-Committee recommended that the list of fundamental rights should be prepared in two parts, the first consisting of rights enforceable by appropriate legal process, and the second of directive principles of social policy which, though not enforceable in courts, are, nevertheless, to be regarded as fundamental in the governance of the country. On these latter, we propose to submit a subsequent report; at present, we have confined ourselves to an examination only of the justiciable fundamental rights.

"We attach great importance to the constitution making these rights justiciable. The right of the citizen to be protected in certain matters is a special feature of the American constitution and the more recent democratic constitutions. In the portion of the Constitution Act, dealing with the powers and jurisdiction of the Supreme Court, suitable and adequate provision will have to be made to define the scope of the remedies for the enforcement of these fundamental rights. These remedies have been indicated in general terms in Clause 22 of the report.

"Clause 20 of the statement of May 16, 1946, contemplates the possibility of distributing fundamental rights between the constitutions of the Union, the groups, if any, and the units.

"We are of the opinion that fundamental rights of the citizens of the Union would have no value if they differed from group to group or from unit to unit or are not uniformly enforceable. We recommend that the rights set out in this report be incorporated in the constitution so as to be binding upon all authorities, whether of the Union or the units.

Freedom Of Trade

"Clause 10 deals with the freedom, throughout the Union, of trade, commerce and intercourse between the citizens. In dealing with this, we have taken into account the fact that several Indian States depend upon internal customs for a considerable part of their revenue and it may not be easy for them to abolish such duties immediately on the coming into force of the Constitution Act. We, therefore, consider that it would be reasonable for the Union to enter into agreements with such States, in the light of their existing rights, with a view to giving them time, up to a maximum period to be prescribed by the constitution, by which internal customs could be eliminated and complete free trade established within the Union.

"We have made a special provision in regard to full faith and credit being given to the public acts, records and judical proceedings of the Union in every unit and for the judgments and orders of one unit being enforced in another unit. We regard this provision as very important and appropriately falling within the scope of fundamental rights.

"Clause 2 lays down that all existing laws, regulations, notifications, custom or usage in force within the territories of the Union inconsistent with the fundamental rights shall stand abrogated to the extent of such inconsistency. While in the course of our discussions and proceedings we have kept in view the provision of existing statute law, we have not had sufficient time to examine in detail the effect of this clause on the mass of existing legislation. We recommend that such

an examination be undertaken before this clause is finally inserted in the constitution.

Right Of Redress

"The Fundamental Rights Sub-Committee was of the opinion that the right of the citizen to have redress against the State in a court of law shall not be fettered by undue restrictions. That the Sub-Committee was not able, however, to draft a suitable formula as the matter requires more investigation than was possible in the time at its disposal. It was also suggested, during our deliberations, that certain additional fundamental rights should be inserted in the constitution.

"The Fundamental Rights Sub-Committee and the Minorities Sub-Committee were agreed that the following should be included in the list of fundamental rights:

"Every citizen not below 21 years of age shall have the right to vote at any election to the legislature of the Union and of any unit thereof, or, where the legislature is bicameral, to the Lower Chamber of the legislature, subject to such disqualifications on the ground of mental incapacity, corrupt practice or crime as may be imposed, and subject to such qualifications relating to residence within the appropriate constituency, as may be required by or under the law.

"The law shall provide for free and secret voting and for periodical elections to the legislature.

"The superintendence, direction and control of all elections to the legislature, whether of the Union or of a unit, including the appointment of election tribunals, shall be vested in an Election Commission for the Union or the unit as the case may be, appointed, in all cases, in accordance with the law of the Union.

"While agreeing in principle with this clause, we recommend that instead of being included in the list of fundamental rights, it should find a place in some other part of the constitution."

The following are the more important justiciable fundamental rights contained in the report: All existing laws, notifications, regulations, customs or usages in force within the territories of the Union, inconsistent with the rights guaranteed under this part of the constitution, shall stand abrogated to the extent of such inconsistency, nor shall the Union or any unit make any law taking away or abridging any such right.

Birth Right

Every person born in the Union or naturalized in the Union, according to its laws, and subject to the jurisdiction thereof shall be a citizen of the Union. The State shall not discriminate on grounds of religion, race, caste or sex: there shall be no discrimination in regard to access to trading establishments, including public restaurants and hotels, the use of wells, tanks, roads and places of public resort maintained wholly or partly out of public fund or dedicated to the use of the general public.

There shall be equality of opportunity for all in matters of public employment and in the exercise of carrying on of any occupation, trade, business or profession. Nothing shall prevent the State from making provision for reservations in favour of classes who, in the opinion of the State, are not adequately represented. No citizen shall be ineligible from possessing property, or exercising or carrying on any occupation, trade, business or profession within the Union.

Untouchability shall be abolished. No heritable title shall be conferred by the Union. No citizen of the Union shall, without the consent of the Union Government, accept any present, emoluments, office, or title of any kind from any Foreign State.

Citizenship Right

There shall be liberty for the exercise of the following rights subject to public order and morality or to the existence of grave emergency declared to be such by the Government of the Union: The right of every citizen to freedom of speech and expression; the right of the citizens to assembly peaceably and without arms; the right of citizens to form associations or unions; the right of every citizen to move freely throughout the Union; the right of every citizen to reside and settle in any part of the Union to acquire property and to follow any occupation, trade, business or profession; provision may be made by law to impose such reasonable restrictions as may be necessary in the public interest, including the protection of minority groups and tribes

No person shall be deprived of his life or liberty, without due process of law, nor shall any person be denied equal treatment before the laws within the Union. Subject to regulations by the law of the Union trade, commerce and intercourse among the units by and between the citizens shall be free, provided nothing shall prevent any unit from imposing on goods imported from other units the same duties and taxes to which the goods produced in the units are subject; and provided that no preference shall be given by any regulation of commerce or revenue by a unit to one unit over another.

Traffic in human beings, and forced labour in any form, including beggar, and involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, are hereby prohibited. Any contravention of this prohibition shall be an offence.

No child below 14 years shall be engaged to work in any factory, mine or any other hazardous employment.

Freedom Of Conscience

All persons are entitled to freedom of conscience, and the right freely to profess, practise and propagate religion subject to public order, morality or health, and to the other provisions of this chapter. The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

The above rights shall not include any economic, financial, political or other secular activities that may be associated with religious practice. This freedom shall not debar the State from enacting laws for the purpose of social welfare and reform. No person may be compelled to pay taxes, the proceeds of which are specifically appropriated to further or maintain any particular religion or denomination.

No person attending any school maintained or receiving aid out of public funds shall be compelled to take part in the religious instruction that may be given in the school. Forced conversion shall not be recognized by law.

Minorities in every unit shall be protected, in respect of their language, script and culture, and no laws or regulations may be enacted that may operate oppressively or prejudicially in this respect. All minorities shall be free to establish and administer educational institution of their choice.—APL

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New Delhi, India, May 7, 1947

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

DIVISION OF MIDDLE EASTERN AND INDIAN AFFAIRS
JUN 6 1947
DEPARTMENT OF STATE

SIR:

With reference to the Embassy's despatch no. 1076 dated May 5 on the subject "Indian Constituent Assembly: President's Address; Discussion of Union Powers, States Negotiating, and Fundamental Rights Sub-Committees' Reports, April 28 and 29", I have the honor to enclose copies of
1-6/ press reports of the proceedings of the third preliminary session of the Constituent Assembly on April 30, May 1, and May 2, and to comment briefly thereon.

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As was suggested in the despatch under reference, the accomplishments of the session in question were extremely limited, but the debate reflected important aspects of the general political situation and threw some light on the attitude of Congress Party members and their associates toward a number of essential problems.

The air of unreality which surrounded this session was increased by the fact that a subject such as the abolition of titles seemed to arouse greater interest and consume more time than basic problems such as the rights of free speech, assembly, association, and movement. On the other hand, the long debate on the subject of forcible conversion and the discussion of treatment of minorities high-lighted the ugliest problem facing Indians today.

Dr. Rajendra PRASAD's closing remarks in which he proposed that the new constitution be translated into "the national language" brought into prominence still another thorny problem. Agitation for adoption of Hindustani as a national language and proposals that internal boundaries be drawn along linguistic lines make clearer than ever the benefits which India has derived from the use of

English

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English as a lingua franca. If political leaders insist on abandoning the use of English, current fissiparous tendencies throughout the country will undoubtedly be aggravated. The Assembly President stated quite frankly that the proceedings of the Assembly were being conducted in English because there were many members who were not acquainted with "the national language" and that if the constitution were eventually drafted in Hindustani and there were any questions of interpretation the English draft could be used for reference.

Thus while the desire of a Hindu political leader to see the organic law of his country written in his native language is quite understandable, the practical difficulties would be endless. Furthermore, Dr. Pasad's reference to Hindustani as the national language could only annoy the majority of Indian Muslims who feel that the use of Hindustani, to the exclusion of Urdu, is one of the indications that the Hindu community intends to dominate India not only politically and economically but also culturally.

It is easy to adopt a cynical attitude toward the fumbling and--to date--ineffectual efforts of the Congress-controlled Constituent Assembly. Until comparatively recently all the inhabitants of India lived under one sort of Oriental despotism or another. Today millions are still ruled by princes who hold the power of life or death over their subjects, while those living in British India are controlled by what may well be described as a police government. A number of literate Indian political leaders advocate a democratic government, but, on the basis of conversations with many of them I am not convinced that they have a real feeling for the brand of practical democracy to which we aspire in the United States. It is significant, however, that in spite of this background Indian politicians feel impelled to adopt Western democratic forms for their prospective government or governments, for undemocratic as methods of government may be for years to come, the people are bound to become increasingly conscious of the democratic ideals which the present leaders profess and the demand for practical application of democratic ideas is almost sure to grow.

As was stated in the despatch under reference, the proceedings of the third preliminary session of the Constituent Assembly are not apt to have any discernible effect on the lives of the Indian masses for years, or perhaps generations, to come. It is gratifying, however, to note that the goal which is being set is a government of the people rather than totalitarian rule. A constitution

incorporating

incorporating democratic ideals should at least strengthen the hands of future leaders whose professed mission is to make democratic rule in India a reality.

Respectfully yours,

George R. Merrell

Enclosures:

1, 2. Five copies press reports Assembly proceedings April 30, Statesman, May 1, 1947.
3, 4. Five copies press reports Assembly proceedings May 1, Statesman, May 2, 1947.
5, 6. Five copies press reports Assembly proceedings May 2, Statesman, May 3, 1947.

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Enclosure No. 1 to despatch no. 1083 dated May 7, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Continued Discussion of Fundamental Rights, April 30-May 2; Adjournment of Third Preliminary Session."

THE STATESMAN May 1, 1947

ABOLITION OF TITLES IN INDIAN UNION

AMENDED CLAUSE ADOPTED

FROM OUR SPECIAL REPRESENTATIVE

NEW DELHI, Wednesday.—Four clauses of the Fundamental Rights report were adopted by the Constituent Assembly this morning. They dealt with equality of opportunity; abolition of titles; freedom of speech and expression, assembly and forming associations and unions, free movement, and the right to reside anywhere in the Union; and equality before the law.

AMENDMENTS proposed were many, and Pandit Nehru admitted confusion in his mind as a result. The majority were, however, withdrawn.

The most important amendments were those moved by Mr K. M. Munshi, deleting the provisos which governed the rights of freedom. Some other amendments had sought to give citizens the right to bear arms, but they were not moved.

The States' representatives took no part in the debate, but at least one, Sardar K M. Panikkar, had taken a notable part in the framing of the clauses in committee. He had also attended a meeting of the Congress Party members at which many of his suggestions were accepted.

An amusing debate took place over the clause dealing with the conferment of titles. The original clause was deleted and one drafted as an amendment by Mr Masani was accepted. The clause as passed lays down that "no title shall be conferred by the Union"; also "no citizen shall accept any title from any foreign State."

Some members wanted this to be made effective retrospectively, but Sardar Patel said the Assembly was considering the future, not the past. "After all," he said drily, "some people have spent so much money obtaining titles. Let them keep the titles."

Over the reference to "protection of minority groups and tribes" members specially interested in tribes made speeches. Mr Jaipal Singh wanted the existing laws affording protection to tribes to continue. Pandit Nehru said that they were dealing with fundamental rights not with future legislation. Again questions of tribes and similar ones had to be viewed not from the point of view of present difficulties but from the permanent point of view. He assured the tribes' representatives that the people of India were with them in their demands.

Sardar Patel was even more emphatic. He asked: "Why should there be tribes? It must be the endeavour of the Assembly and Indians generally to bring the tribes up to a high level. What protection would the laws referred to give them?"

Enclosure no. 2 to despatch no. 1083 dated May 7, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Continued Discussion of Fundamental Rights, April 30-May 2; Adjournment of Third Preliminary Session."

THE STATESMAN May 1, 1947

Decision to Abolish Titles in Union Passed Unanimously

Resuming discussion on the Fundamental Rights Committee report in the Constituent Assembly on Wednesday, the House unanimously voted for the abolition of conferment of titles by the future Indian Union. Mr M. R. Masani's (Bombay) amendment to the original clause was accepted.

The amended clause as adopted by the House reads: "No title shall be conferred by the Union. No citizen of the Union shall accept any title from any foreign State. No person holding any office of profit or trust under the State shall, without the consent of the Union Government, accept any present, emoluments, office or titles of any kind from any foreign State'.

During the debate, some members suggested that the titles held at present should also become void the day the new constitution came into force. But Sardar Patel, who is piloting the Fundamental Rights Committee's report, pointed out that the House was legislating for the future and not for the past. The titles had already lost their value and during the past year and a half many had been renounced. He did not think the point should be raised at all.

The debate on titles was initiated by Sardar Patel when he moved Clause 7. The original clause said that "no heritable title shall be conferred by the Union," but the Sardar said that after considerable discussion in the committees, it had been decided to drop the word "heritable." Public opinion, he said, in the country was against the conferment of titles by the State, as they were being abused and were corrupting the public life of the country.

Mr Masani moving the amendment said that the Indian States would not in future be able to confer any titles. The clause did not preclude, however, persons who had distinguished themselves in public life or in the field of science or arts from being honoured by the State by means other than the conferment of titles.

Mr Govind Das (CP) said that in a free India those who received foreign titles should be relieved of their burden. The clause should, therefore, have retrospective effect.

Mr Balkrishna Sharma (Cawnpore), opposing the motion, said it was contrary to the traditions of a country which was used to granting titles. Even in Russia some time after the revolution, it was felt that deserving generals, workers and the like should be given titles and medals.

Mr Sri Prakasa (Benares) joining issue with Mr Balkrishna Sharma pointed out that what was being abolished was merely the conferment of titles by the State. The people would still be free to confer their own titles unofficially on persons whom they respected and revered. Who could, for instance, prevent the people from paying their spontaneous homage to Mr Gandhi by calling him Mahatma?

Freedom From Titles

Supporting the motion before the House, Mr Sri Prakasa said it was necessary to ask for freedom from the imposition of titles from the State, freedom from having to curry favour from authority in order to gain a distinction from other citizens. If the State wanted to honour any citizen for distinguished services, there were thousands of ways in which it could do so.

Mr Dhulekar said he could not understand Mr Balkrishna Sharma saying it was Indian tradition to confer titles. In fact if there was one country in the world where people did service without seeking any worldly recognition, that country was India.

Mr H. V. Kamath said that the day the Union constitution came into force, all titles being held by Indians should cease to exist. A free India would not want these vestiges of alien domination clinging to her.

Replying to the debate Sardar Patel said that the Assembly was legislating for the future and not for the past. There was no point in discussing the question of titles being held already by people in the country. Many titles had been surrendered during the past two years. They had lost their value. There were still some people, no doubt, who were clinging to the past, but it was not necessary to dilate on the topic. Striking a humorous note, he added: "After all, some of the people who have got titles may carry them even after death (laughter). After all, they had spent so much money. You have no idea how titles are got, but let us forget all about them. What we want to do is to take care of the future."

The clause did not propose to take away titles conferred by the people on their leaders as a tribute to their virtues. Mr Gandhi was Mahatma, not because people conferred the title on him. It was their tribute to his greatness and virtues that made them call him Mahatma. The State had of course nothing to do with it.

The clause, as amended, was passed.

Earlier, the Assembly passed the clause on equality of opportunity for all citizens in matters of public employment with a few amendments, after a brief debate.

Mr B. Das asked whether in the Indian Union, the descendants of the Afghan Princes, who were at the moment prevented from taking up any public employment or trade, would be eligible for public employment. These Afghan families had been

living in India, he pointed out, for three generations. Sardar Patel replied he could not envisage any difficulty on the point If the children of the Afghan Princes proposed to stay here, they would possibly seek naturalization in the future India.

Mr Mahabir Tyagi said it was the practice in certain provinces to give preference to their own citizens in respect of employment. This was a necessary part of self-government. If no regard was paid to the place of birth, then the inhabitants of the areas concerned might suffer. Replying to this point, Sardar Patel said that the clause only provided for eligibility of public employment, but did not restrict the right of provinces in any way. The provinces could legislate in the way they wanted.

Rights Of Agriculturists

Chaudhry Surajmall, by an amendment, raised the point that rights of agriculturists should be protected, but as the provisions dealing with occupations, trade, business or profession in the original clause were deleted from the amended clause, the President ruled that no vote would be taken.

The House agreed to a number of amendments to the clause on the rights of freedom of citizens. The amendments deleted the provisos to the sub-clauses which empowered the State to restrict the liberty of citizens under certain circumstances. The clause, as amended and adopted, read: "There shall be liberty for the exercise of the following rights subject to public order and morality, and, except in grave emergency declared to be such by the Government of the Union or the unit concerned, whereby the security of the Union or the unit, as the case may be, is threatened:

"The right of every citizen to freedom of speech and expression;

"The right of citizens to assemble peaceably and without arms;

"The right of citizens to form associations or unions;

"The right of every citizen to move freely throughout the Union;

"The right of every citizen to reside and settle in any part of the Union, to acquire, hold and dispose of property and to exercise or carry on any occupation, trade, business or profession as may be necessary in the public interest, including protection of minority groups and tribes."

"Security"

Mr Somnath Lahiri urged that the word "security" in the preamble be deleted and substituted with "defence."

Sardar Patel, opposing the amendment, said that the word "security" was deliberately put because "defence" connoted a different meaning. He was not prepared to provide for internal chaos, which would be the obvious consequence of the amendment.

The amendment was rejected.

Speaking on the clause the Rev J. J. N. Nichols-Roy urged that apart from tribes, tribal areas should also be included for the purpose of protection under the clause. He said that people in the tribal areas, particularly in Assam, looked at the future with misgivings and were afraid that they might be exploited. Their suspicion had reached such a stage that many of them would wish to cut away from Assam or join Burma. As it was there was a great deal of confusion now, and he would very much like Pandit Nehru, in his capacity as External Affairs Member, to make a statement and allay their fears.

Mr Jaipal Singh said that in the absence of the report of the Tribal and Excluded Areas Committee it would be unwise and inexpedient to proceed with the present clause. The tribal and backward people required definite assurances and continuity in the legal protection which they enjoyed now. Land was their bulwark and freedom should not lead to their being dispossessed.

Mr K. M. Munshi pointed out that the freedom sought to be conferred now would not abrogate the existing laws affording protection to tribal areas.

Referring to the appeal made by the Rev Nichols-Roy, Pandit Nehru confessed to a feeling of confusion at the discussion before the House. The numerous amendments moved and not moved did not add to clarity, but insofar as he understood the resolution as amended he supported it. It also seemed to him that there was some confusion on the part of certain speakers because they forgot that the House was dealing with fundamental rights and was not legislating. Various desirable things had been brought up and would be considered separately when the constitution proper was being laid down.

He agreed with what Mr Jaipal Singh said, but they had nothing to do with fundamental rights. The tribal areas people should be protected in every way and the existing laws would continue.

Replying to the debate Sardar Patel said that the Constituent Assembly was not engaged in repealing any existing Act and there need be no fear that the protection afforded under the present law would be abrogated. He would, however, ask one question: was it the intention of the representatives of the tribal areas to keep the people there permanently as tribes? He did not think that such a stand would be in their interest and in fact it should be the endeavour of all to raise the level of the backward people to that of Mr Jaipal Singh himself, so that after 10 years there should be no need for such provisions in the law. The backward classes, tribal problems and untouchability remained as they were today because of 200 years of foreign rule. The Government in the past, he said, was interested in maintaining such divisions. "It is not our desire or ambition," he said, "to keep them in their present conditions."

The House agreed to the clause.

The House also agreed to another clause which stated that "no person shall be deprived of his life, or liberty, without due process of law, nor shall any person be denied equality before law within the territories of the Union."

The rest of the clauses were held over till tomorrow, and Mr K. M. Munshi submitted to the House the report of the Order of Business Committee.

Political Changes

Moving that the report be recorded, Mr Munshi said that the political conditions in the country were changing so fast and the changes were having repercussions on the programme of the Assembly. It therefore became impossible for the Committee to submit its final report.

Two factors had come into the forefront during the last few weeks, Mr Munshi said. They were, firstly, the overwhelming insecurity in the two provinces, the Punjab and Bengal, which, in turn, had brought to the foreground the question of partition of these two unfortunate provinces which, he hoped, would be an accomplished fact within a few weeks and to which the President had referred in his preliminary remarks; and secondly, the Muslim League had not yet seen its way to come into the Constituent Assembly.

There was no immediate prospect of the League coming in, even though every consideration had been shown to them. As it had already been stated, both by the Congress and on behalf of the Constituent Assembly, they would not desire to impose a constitution on the unwilling parts of the country. But at the same time if an unwilling part stayed out, it was not their desire that the Constituent Assembly should wait on for ever and certain changes in its programme would become necessary. So far as he understood the position, the House might not take into account the whole of India in the framing of the constitution, though they did hope that the time would come when even the unwilling areas would, within a short distance of time, join the Union. The constitution to be framed, Mr Munshi said, must enable the return of the "prodigal sons," and they would be welcome whenever they chose to come.

Again there was another consideration, namely, the statement of February 20, which weighed in the formulation of the programme.

He explained the scope of the two committees, Union Constitution Committee and the Provincial Constitution Committee, and formally moved that the President be empowered to appoint the two committees with a strength of 15 and 25 members respectively.

Mr Poonacha (Coorg) said that these two committees should also examine the question of the present Chief Commissioners' provinces. He suggested that a small committee of three, one each drawn from the two committees and the Centrally administered areas should go into the question.

Dr Pattabhi Sitarammayya referred to the question of linguistic provinces and asked whether, as assured to him earlier at the party meeting, the two committees would consider this question as well.

The President, Dr Rajendra Prasad, hoped that the two questions raised would be considered at the appropriate time. For the present these two committees were required to produce only model constitutions.

They agreed to Mr Munshi's motion and adjourned till 9 a.m. on Thursday.
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Enclosure no. 3 to despatch no. 1083 dated May 7, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Continued Discussion of Fundamental Rights, April 30-May 2; Adjournment of Third Preliminary Session."

THE STATESMAN May 2, 1947

Constituent Assembly

CHILD LABOUR IN INDIAN UNION PROHIBITED

Forcible Conversion Discussed at Length

TEMPLES TO BE OPEN TO ALL CLASSES

FROM OUR SPECIAL REPRESENTATIVE

NEW DELHI. Thursday.—Conscription and forcible religious conversion were subjects discussed at length in the Constituent Assembly today when progress was made with the Fundamental Rights Committee's report On neither was a decision taken.

THE debate on conscription arose during consideration of Clause 11: which deals with traffic in, human beings and forced labour. An explanation had been added in the draft report as a proviso to ensure that nothing in the clause could prevent the State from imposing compulsory service.

Mr K. M. Munshi, who moved all amendments on behalf of the Congress Party suggested the deletion of the explanation on the ground that it was superfluous. Sir Aliadi Krishnaswami Ayyar agreed saying that the dropping of the explanation would not legally preclude the State from instituting compulsory service.

Dr Ambedkar said that the deletion of the explanation might have serious consequences. If begar was prohibited, someone might argue that compulsory service was also prohibited. He suggested that the clause be referred to the sub-committee which would consider Clause 3 (citizenship). The House adopted the suggestion.

Clause 17 dealing with conversion, as put before the House with an amendment read: "Any conversion from one religion to another, of any person, brought about by fraud, coercion or undue influence, or of a minor under the age of 18, shall not be recognizable by law."

The words which led to a long debate were "or of a minor under the age of 18". Many took part in the debate, including Dr Ambedkar, Father d'Souza, Mr Purshottamdas Tandon and Mr Frank Anthony.

The points raised by Father d'Souza and Mr Anthony were enlarged by Dr Ambedkar who said that the proposed provision would apply unfairly in some cases. It might apply for instance to minors whose parents voluntarily became converted and then legal difficulties would ensue.

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Five Clauses Passed

Sardar Patel said that the clause had been discussed at length in Committee but it could be referred to the Advisory Committee, with a view to redrafting, once again. The House did so.

The Assembly passed five clauses. The first two dealt with free trade and intercourse in the Union, and prohibition of child labour respectively. The other three clauses came under the Chapter on Rights relating to religion.

Freedom of conscience and worship are laid down in a clause to which an explanation provides that the Sikhs can carry kirpans as part of their creed. Another explanation gives the State the right to throw open public temples to all classes.

There were some light moments. Sardar Patel, who moved all the clauses, began Clause 15 (dealing with compulsory religious taxes) with the sentence, "No person may be compelled to pay taxes—" He paused and gaily asked, "Shall we stop there?" Amid laughter he read out the rest of the sentence, "—the proceeds of which are specifically appropriated to further or maintain any particular religion or denomination."

The debates today were of a high order and when any clause threatened to rouse tempers, the good sense of the House came to the rescue. Dr Ambedkar's interventions were noteworthy.

Five more clauses remain for disposal and it is expected that the Assembly will go through them tomorrow.

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Enclosure no. 4 to despatch no. 1083 dated May 7, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Continued Discussion of Fundamental Rights, April 30-May 2; Adjournment of Third Preliminary Session."

THE STATESMAN May 2, 1947

FREEDOM OF RELIGION FOR ALL PEOPLE

Assembly Adopts Clause Without Debate

The Constituent Assembly on Thursday passed the clause relating to religious freedom without debate. Sardar Patel accepted an amendment moved by Mr K. M. Munshi to the original clause.

The clause as adopted reads: "All persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion subject to public order, morality or health and to the other provisions of this chapter.

"Explanation 1: The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

"Explanation 2: The above rights shall not include any economic, financial, political or other secular activities that may be associated with religious practice.

"Explanation 3: The freedom of religious practice guaranteed in this clause, shall not debar the State from enacting laws for the purpose of social welfare and reform and for throwing open Hindu religious institutions of a public character to any class or section of Hindus".

Eighteen other amendments to the original clause which had been tabled were not moved by the members.

Sardar Patel congratulated the House for passing the clause which, he said, had raised controversies in the Fundamental Rights Committee. He was glad that the solution evolved by the Committee had found all-round acceptance in the House. The Committee had tried its best, he added, to accommodate all sections of people.

Forced Labour

Clause 11 in the Fundamental Rights Report, prohibiting traffic in human beings and forced labour in any form, including begar and involuntary servitude, except as a punishment for crime, was held over after a debate which raised doubts as to whether military conscripton would be prohibited as a result of an amendment which Mr Munshi moved and which Sardar Patel expressed readiness to accept.

The effect of Mr Munshi's amendment was to do away with an explanation to the original clause saying that "nothing in the sub-clause shall prevent the State from imposing compulsory service for public purposes without any discrimination on the ground of race, religion, caste or class."

Dr B. R. Ambedkar raised doubts as to whether the omission of this explanation would not create difficulties for the State if military conscription became necessary. Even in respect of begar, there were certain varieties of it which were demanded, for instance in Bombay, for public purposes. He suggested that the clause be held over for discussion by a committee of experts

Mrs Dakshayani Velayudhan, Mr B. Das and Mr P. K. Sen welcomed the abolition of forced labour. Mr Das, pointing out that large numbers of women from Bengal and Orissa were being spirited away by crooks and gansters to the Punjab and North-West Frontier, asked whether these would be covered by the provision.

He urged Indian States' representatives present to appeal to their brother States as well to do away with begar, Mr P. K. Sen, while supporting the abolition of forced labour, pleaded that the original clause be retained so that certain forms of necessary forced labour for public purposes might be possible.

Military Conscription

Sir Alladi Krishnaswamy Iyer said that the retention of the explanation was not necessary to enable the State to introduce military conscription. He pointed out that in spite of the existence of the slavery and anti-slavery clauses in the U.S. Constitution, the Supreme Court had held that there was nothing to prevent military conscription being introduced.

They had, after referring to various writers of international law, held that the very existence of the State depended upon military forces, and that the slavery and anti-slavery clauses could not be considered as debarring the State from imposing conscription. The retention of the explanation might, on the other nand, raise a lot of other difficulties.

Mr Ananthasayanam Ayyangar said that although he was at first prone to agree with Sir Alladi, on reconsideration he had found that it would be better to retain the original clause. The Indian Penal Code provided for the prohibition of forced labour and traffic in human beings, but has left it to the legislatures to stipulate conditions under which they might enforce labour, such as during floods when the villagers might be asked to put up a bridge. Now that these rights were to be raised to the status of fundamental rights, it might be better to be very careful. He supported Dr Ambedkar's plea for re-examination of the clause by an experts committee.

The House agreed to hold over the clause.

Clause 12 stating that "no child below the age of 14 shall be engaged to work in any factory, mine or any other hazardous employment" was passed.

Freedom Of Commerce

Earlier, the Assembly passed the clause relating to inter-State freedom of commerce with Mr Munshi's amendment which was accepted. The clause as adopted reads: "Subject to regulation by the law of the Union, trade, commerce and intercourse among the units by and between the citizens shall be free. Provided that no preference shall be given by any regulation of commerce or revenue to one unit over another; provided that nothing in the section shall prevent any unit from imposing on goods imported from other units the same duties and taxes to which the goods produced in the unit are subject and under regulations and conditions which are non-discriminatory; and further provided that any unit may by law impose restrictions in the interest of public order morality or health or in any emergency."

There was considerable discussion on the clause relating to conversion from one religion to another. The clause as amended by Mr Munshi reads: "Any conversion from one religion to another brought about by fraud, coercion or undue influence, or of a minor under 18, shall not be recognized by law."

Mr Frank Anthony welcomed the earlier clause adopted by the House which recognized the right to propagate religion, but thought the new clause placed an embargo in regard to people below 18. He agreed that forced conversions should not be recognized, but if a ban was placed on the conversion of people below 18, it would mean that parents changing their faith would be cut off from their minor children.

Mr P. R. Thakur said that there should be clear definition of the word "fraud." Many people today took advantage of the position of Scheduled Castes and converted them by questionable means.

The Revd Nicholls-Roy said that no person, whatever his age might be, should be prevented from following the dictates of his conscience. If a child of 15 felt strongly in favour of a particular religion, the law should not prevent him from changing his faith.

Mr Purushotamdas Tandon, supporting the resolution as amended by Mr Munshi, said that Congressmen in general were against the propagation of one religion or another and conversions. Nevertheless, they agreed to the previous clause conferring rights on citizens to propagate religious beliefs with a view to carrying the minorities with them, but he would strongly oppose any freedom for the conversion of minors.

Mr Ramnath Goenka asked whether Mr Munshi's amendment, which prohibited the conversion of minors below 18, would be in order in view of an earlier clause which conferred the right on all persons equally to freedom of conscience and the right freely to profess, practise and propagate religion.

Mr Munshi pointed out that the right was subject to certain provisos mentioned in the clause itself.

Move For Reconsideration

Mr Dhiren Dutt refuted Mr Tandon's suggestion that all Congressmen were not in favour of propagation of religion. In view of the complex nature of the clause under discussion, he suggested that it should be referred back to the Advisory Committee for further consideration.

Father Jerome d'Souza also supported the suggestion that the clause should be referred back to the committee for scrutiny because the issue raised was of a complex and technical nature. He pointed out that even among Christians it might be that Protestant or Catholic parents desired to change their denomination and they would not be able to do so because they could not convert their children as well.

Mr Algurai Shastri and Mr Jagat Narain Lal supported the clause as amended by Mr Munshi.

Dr Ambedkar opposing Mr Munshi's amendment pointed out that the original clause was so framed by the Fundamental Rights Sub-Committee after considerable discussion. The Minorities Committtee and the Advisory Committee had also thrashed out the question. Enumerating a number of difficulties which Mr Munshi's amendment would raise, Dr Ambedkar asked what would happen to orphans under 18 who had no lawful guardians if there was a law that there should be no conversion under the age of 18. They could not be given any kind of religious instruction even by someone who happen to take a kindly interest in them. This was not a result, surely, which the House would contemplate with equanimity.

Even in respect of children with parents or guardians there were difficulties. Firstly, there were children converted without the knowledge or notice of parents, and secondly, there were parents who were converted. While it was desirable to prohibit conversions without knowledge of parents or guardians, what would happen in the case of children whose parents changed faith? Was it suggested that their children below the age of 18 should not be converted. Suppose a child died and the parent who had taken to Christianity gave him a Christian burial .Would that be an offence on the part of the parent? It would not also be possible, Dr Ambedkar added, to separate children of three or five from their parents merely because such parents changed faith. The Fundamental Rights Committee had taken all these difficulties into account when it framed the clause. He submitted that a reference back to the Committee would not produce any further result.

No Solution Found

Sardar Vallabhbhai Patel brought the discussion to an end at this stage by agreeing to the motion being referred back to the Advisory Committee. He pointed out that there was no need to import heat in discussing the problem which was controversial. It was, however, well known that there had been mass conversions in India. There had been conversions by force, by coercion and undue influence. It could not be disguised

that children had also been converted. Without going into the reasons for such conversions, he would urge the members to realize that they had all to live together in the country and find a solution to the problem. The question had been considered by the three committees of the Constituent Assembly. Yet, as was evident from the debate, no agreed solution had been found. He suggested that one more attempt be made to do so by referring the clause back to the Advisory Committee now.

Clause 17, reading "conversion from one religion to another brought about by coercion or undue influence shall not be recognized by law," was thereupon referred to the Advisory Committee.

Cultural Rights

The Assembly then passed the following provisions in Clause 18 relating to cultural and educational rights of minorities:

"Minorities in every unit shall be protected in respect of their language, script and culture and no laws or regulations may be enacted that may operate oppressively or prejudicially in this respect.

"All minorities whether based on religion, community or language shall be free in any unit to establish and administer educational institutions of their choice.

"The State shall not, while providing State aid to schools, discriminate against schools under the management of minorities whether based on religion community or language."

A fourth sub-clause stipulating that "no minority whether based on religion, community or language shall be discriminated against in regard to admission into State educational institutions," was referred to the Advisory Committee on the suggestion of Mr Munshi, who pointed out that since this provision was framed, certain difficulties had been brought to light.

Mr Mohanlal Saxena, who sought to refer the whole clause back to the Advisory Committee, withdrew his amendment later.

Supporting the plea for referring the whole clause back to the Advisory Committee, Mr Mahabir Tyagi said: "Occasions might arise in the future when the Governments joining the Union might want to know what was happening to the minorities in areas which did not join the Union. Such non-joining areas might either belong to Pakistan or be independent. The question of minorities ought, therefore, to be left over until such time that we definitely knew whether there was to be a united India or a divided India. If there was to be partition, then we ought to wait and see what would happen to the minorities in the non-Union areas."

Suggestion Disputed

Seth Govind Das disputed the suggestion and said there was no need to bother about the point whether India would be divided or not. He wanted, of course, an undivided India, but this should not stop him from doing his duty which was clear. He urged that the clause be adopted as it stood.

Dr B. R. Ambedkar said the only point which he sensed, although it had not been expressly stated, in favour of postponement of consideration was that the rights of minorities should be relative, that is, "we must see what rights the minorities are to get in Pakistan areas before we give them rights in Hindustan areas."

Rejecting this suggestion, he urged that the rights of minorities must be absolute and should have no consideration as to what another party not within the Union jurisdiction might do. "If we have certain minorities in which we are interested within the jurisdiction of another State, and if they have not got the same rights as we have given to minorities in our territories, it would be open for the State to take up the matter and see that the wrongs are rectified. But no matter what the other party might do, I think we ought to do the right in our own judgment."

Mr Munshi's amendment seeking to hold over Sub-Clause 2 was carried, and the remaining sub-clauses were passed

The House adjourned.—API.

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Enclosure no. 5 to despatch no. 1083 dated May 7, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Continued Discussion of Fundamental Rights, April 30-May 2; Adjournment of Third Preliminary Session."

THE STATESMAN May 3, 1947

Constituent Assembly Adjourns

FROM OUR SPECIAL REPRESENTATIVE

NEW DELHI, Friday.—The Constituent Assembly adjourned today after passing the remaining five clauses in the interim report on Fundamental Rights. The President was authorized to fix the date for the next meeting which it is proposed to hold in June or July.

A CLAUSE which led to a long debate this morning was that providing for compensation to owners of private property which may be acquired by the State. Mr Sidhwa was against payment of compensation, while Mr Tripathi suggested that, in the case of zamindars, a maintenance allowance might be paid. An amendment that the compensation should be "just" was withdrawn, and the clause was eventually passed.

The chapter on the right to constitutional remedies was gone through without much discussion.

The House then took up Clauses 3 and 11 which had been redrafted by a committee of legal experts. The clauses deal with citizenship and conscription respectively. The House was dissatisfied with the wording of the clauses.

The new Clause 3 reads as follows: "Every person born in the Union and subject to its jurisdiction; every person either of whose parents was at the time of such person's birth a citizen of the Union, and every person naturalized in the Union shall be a citizen of the Union. Further provision regarding the acquisition and termination of Union citizenship may be made by the law of the Union."

Members raised the question of persons born in Indian States or those parts of British India which might not join the Union. Dr Ambedkar said that the difficulty lay in the first line of the new clause. What would happen to people who were born before the coming into existence of the Union? He suggested that the clause be held over. This was agreed to. Similarly Clause 11 was also kept pending.

The President announced that he would endeavour to get the chapters on Fundamental Rights translated into Hindustani. The English version might be kept for reference in regard to interpretation, but he was certain that the opinion of everyone was that the Constitution be written in India's language. He would seek the help of people of learning to do the translation. It would not be easy to translate all the legal terms into Hindustani and it might be necessary to give explanations. He felt, however, that an effort should be made because a time might come when Indians would cease to use the English language.

Enclosure no. 6 to despatch no. 1083 dated May 7, 1947 from George R. Merrell, Charge d'Affaires a.i. at New Delhi, India, on the subject "Indian Constituent Assembly: Continued Discussion on Fundamental Rights, April 30-May 2; Adjournment of Third Preliminary Session."

THE STATESMAN May 3, 1947

"New Constitution Will Be Translated Into National Language"

—DR RAJENDRA PRASAD

Before the Constituent Assembly adjourned on Friday, the President, Dr Rajendra Prasad, announced that he was going to get the Constitution, as it took shape, translated into the national language so that the future Constitution of free India could be enshrined in the language of the country. This was received with cheers by all sections of the Assembly.

Dr Rajendra Prasad said that the proceedings were at present being conducted in the English language because there were many members who were not acquainted with the national language. So, the drafts were also being prepared in English. The time might come when we would cease to depend upon English and if the original constitution was framed in English, any question of interpretation would have to be referred to the language in which the constitution was originally framed.

The question, therefore, was whether we should continue in future to interpret the constitution in English and whether we should expect our judges, in future, to be always acquainted with English to interpret the constitution. If the original constitution was drafted in English, this would be the natural consequence.

Questions Of Interpretation

It was difficult, at the present moment, to make any suggestion to resolve the difficulty but he was wondering whether translations could not be made of the drafts which were now being passed by the Assembly in English, so that, ultimately, the whole constitution could be drafted in the language of the country. If this was done, to deal with any ambiguity arising from questions of interpretation, the English draft would also be available for reference. He would personally like that the original constitution should be adopted in the language of the country (cheers)

Earlier, the President announced that the resolutions on linguistic and cultural provinces would be considered by the two committees appointed by the Assembly to draw up the principles of the Union constitution and the model provincial constitution.

The Constituent Assembly passed Clause 19 in the Fundamental Rights Committee Report stating that "no property, movable or immovable, of any person or corporation, including any interest in any commercial or industrial undertaking, shall be taken or acquired for public use unless the law provides for the payment of compensation for the property taken or acquired and specifies the principles on which and the manner in which the compensation is to be determined."

An amendment, moved by Raja Jagannath Baksh Singh, seeking to specify that compensation paid would be just , was withdrawn.

"Full Of Difficulties"

During the debate, Mr Ajit Prasad Jain said that the question of compensation was full of difficulties. Many of the provincial Legislatures were already facing some of these difficulties. He thought that incorporation of this provision with the fundamental rights would bar social and economic progress.

Mr R. K. Sidhwa deplored the fact that at a time when the Legislatures in the country were trying to abolish jagirdari and zamindari by payment of small compensation or no compensation, the Assembly should be asked to make a definite rule to pay compensation for all property that would be acquired by the State.

Mr Bishamber Dayal Tripathi made a plea for a review of the whole clause and strongly opposed Raja Jagannath Singh's amendment. Rai Bahadur Shyamanand Sahay, Mr Lakshminarain Sahu, Mr Phool Singh, Mr Nagappa, Mr Suresh Chandra Banerjee and Mr Kesava Rao also participated in the debate.

On Wrong Lines

Sardar Vallabhbhai Patel, winding up the debate, said that the debate had gone on the wrong lines. All those who had participated seemed to think that the provision was intended to acquire zamindaris. The clause actually dealt with many other things, besides property belonging to landholders. As regards the plea put forth by representatives of the zamindars that they ought to get just compensation, Sardar Patel said that it was not for them to plead their own case. Time was against them. Zamindaris were bound to be liquidated in a year or two.

The clause was adopted without any amendment.

A number of clauses dealing with miscellaneous rights and constitutional remedies were passed without debate.

The citizenship clause, which had earlier been referred to an ad hoc committee of experts, was then taken up. Despite a lengthy debate, the issue remained unsolved and had to be

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referred back again to the committee for further consideration.

The redrafted clause as submitted to the Assembly on Friday by the committee read: "Every person born in the Union and subject to its jurisdiction; every person either of whose parents was at the time of such person's birth a citizen of the Union; and every person naturalized in the Union shall be a citizen of the Union".

Mr K. Santanam by an amendment sought to include after the first para the following: "Every person born or naturalized in India before the commencement of the Union and subject to its jurisdiction shall be a citizen of the Union". He pointed out that without this addition, the clause would only cover people born after the Union came into being.

Sardar Vallabhbhai Patel thought that it was unnecessary at this stage to consider the question.

Mr Anantasayanam Ayyangar: "We are not born in the Union. We were born long before the Union came into existence. What about us (laughter)?

Citizenship Rights

Mr Rajagopalachari cited a concrete instance where difficulties might arise. Suppose he was born in Mysore; if Mysore did not join the Union, he would not have been born in the Union. Would he on that score have no citizenship rights?

Mr R K Sidhwa asked what would happen to a very large number of people in Sind if she decided to stay away from the Union. Such persons should not be deprived of their citizenship.

Sir Alladi Krishnaswamy Iyer, who was one of the members of the ad hoc committee which redrafted the clause, confessed that this point had not been considered by the committee. The question was, however, important. As regards those who were born in the territories which came into the Union, there was no difficulty. When it was said that all those who were born in the Union would be citizens, what was meant was the geographical union. In respect of others born in territories which did not come into the Union, a number of political questions would arise. It might not be possible to give citizenship rights to every person, merely because he was born in India.

Supposing some of the Indian States did not come into the Union, then the question would have to be considered whether people from these States living in Union territories should be given citizenship rights unless they made British India their home permanently.

Dr Ambedkar said that the clause referred to only those persons, who would be born in the future. What would be the position of those who were born before the Union came into being. Provision had to be made in respect of them. He suggested that "all persons born in India as defined in the general clause and residing in the Union and subject to the jurisdiction of the Union shall be citizens of the Union". This proposition would, he suggested, cover the cases of people born in India and who would be subjects of the Union when the Union came into being. Without some such provision, the clause would be incomplete and create a lot of difficulties. He also wanted the clause to be referred back to the committee.

Clause Held Over

The President thereupon announced that the clause would be held over for re-examination by the committee.

Another report of the experts committee on the clause dealing with traffic in human beings and forced labour was also held over for re-examination.

The Assembly then adjourned.—API.

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DIVISION OF MIDDLE
EASTERN AND AFRICAN AFFAIRS

MAY 21 1947

DEPARTMENT OF STATE

FROM: Rangoon

TO: Secretary of State

NO: 405, Twenty-first

Constituent Assembly convenes June 10.

PACKER

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

CONFIDENTIAL

AMERICAN EMBASSY

New Delhi, India

No.1156

June 19, 1947.

Subject: Emerging Form of Indian Constitution; Probable Arrangements for Interim Dominion Status; Conclusions.

RECEIVED
DEPARTMENT OF STATE
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FAC SIDES BRANCH

The Honorable
The Secretary of State,
Washington, D.C.

Sir:

845.032/5-547
XR 845.00

I have the honor to refer to the Embassy's despatch No.1076 of May 5, 1947, concerning the third session of the Indian Constituent Assembly and to enclose a memorandum prepared by Mr. R. D. GATEWOOD, Second Secretary, concerning the recent work of the Union Constitution (*) and Provincial Constitution Committees of the Assembly, scheduled to resume its sessions on July 14, possibly with the cooperation of those Muslim League members elected from non-Pakistan provinces, provided Mr. M. A. JINNAH approves such participation.

On the basis of the memorandum, certain salient features of the proposed Republic of India may be described as follows:

1. There will be a Federal Government capable of keeping order within and among its units and of coordinating economic planning for the country as a whole;

2. The Union President and the Governors of the federating units are apt to be figure-heads of the majority party in the Union and local legislatures, almost all real power vesting in the Prime Ministers, according to the British system of Cabinet responsibility;

3, Universal

(*) Not to be confused with the Union Powers Committee, which finished its work at the third session of the Assembly.

845.032/6-1947

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June 19, 1947
New Delhi, India

3. Universal adult franchise will be introduced for the election of members to the lower Houses of all legislatures.

4. An independent judiciary will safeguard the rights of minorities and the fundamental rights of citizens.

It appears most likely that the Constituent Assembly will be the body to which the British will transfer sovereignty as early as August 1947; that the Assembly will have to choose a Cabinet from among its members; that immediate agreements will have to be made with the neighboring Dominion of Pakistan to ensure uniformity of customs and currency laws, as well as of exchange control measures; and that India will have to lend Pakistan enough funds to begin operations pending the final division of assets and liabilities.

The Viceroy is conducting a successful campaign to bring about quick decisions by the Partition Committee of the present government and he is obviously intent on eliminating all British political responsibilities in India as soon as possible. There is no doubt that one of the main considerations governing the haste with which the British are leaving India is the feeling that their further maintenance of power would allow non-democratic elements, both of the right and of the left, to consolidate more easily by blaming all ills on the occupying power. These opinions have been expressed both by members of the Viceroy's staff and by American newspaper correspondents at New Delhi, who have also remarked that, by leaving rapidly, the British hope that both parts of India will have at least five years' experience of democratic government under their own leaders, most of whom are at present generally inclined to express in public the tenor of western liberal views.

It is quite possible, however, that a contrary result may follow, since the close association of democratic ideas with the British rule which the masses have been taught to detest may well make such ideas unpalatable to them, especially if they find themselves unable to achieve, through universal adult franchise, those benefits they have so long been promised. The possibility that the new republics may give way to dictatorships, either "of the proletariat" or in some more frankly authoritarian form, cannot be ruled out at this stage. It is also clear that

the

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the two Indias will be more susceptible to diplomatic and military pressure from foreign powers than a unified country.

Respectfully yours,

Howard Donovan

Enclosures:

1) Memorandum on draft recommendations to the Constituent Assembly of its Union and Provincial Constitution Committees, as elaborated from June 6 to 14, 1947, and on probable arrangements for Indian interim Dominion status.

2) Membership of Union Powers and Provincial Powers Committee of the Constituent Assembly (in duplicate only to the Department, and not sent to Karachi)

3) Membership of various sub-committees of the Union Powers and Provincial Powers Committes

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Enclosure No.1 to despatch No.1156 dated June 19, 1947, from Howard Donovan, Charge d'Affaires a.i., American Embassy, New Delhi, on the subject of "Emerging Form of Indian Constitution."

RESTRICTED

MEMORANDUM

Concerning recommendations to the Constituent Assembly of its Union and Provincial Constitution Committees, as elaborated from June 6 to 14, 1947, and on probable arrangements for Indian interim Dominion status.

Decision to Establish Strong Federal Government

The Union Constitution Committee of the Constituent Assembly met on June 6 to consider the form of government which India ("Hindustan") should adopt and, at a joint session the next day with the Provincial Constitution Committee, decided that a strong Federal government would best suit present circumstances. This feeling is a direct reflection of the recent events leading up to the partition of India, as such a division might well have been avoided if the central government could have found means of keeping better order in the provinces. In view of the British plan of June 3, the Assembly will have to amend NEHRU's "Republic Resolution", passed at its second session, to provide for the exercise of residuary powers by the Union, instead of its units, and for a new description of Union territories. The constitution outlined below would come into force at the end of Dominion Status.

The membership of both Committees is set forth in enclosure No.2 to the covering despatch; enclosure No.3 to the covering despatch lists the members of the 5 ad hoc sub-committees selected to deal with special subjects; it will be observed that the following members were appointed to more than one sub-committee and it is understood that these prominent politicians did most of the work on the essential sub-committee reports:

Sir Alladi Krishnaswami IYER
Sir Gopalaswami IYENGAR
Dr. B. R. AMBEDKAR
Dr. Pattabhi SITARAMAYYA
Dr. P. SUBBAROYAN
Dr. K. N. KATJU
Mr. K. M. MUNSHI
Mr. B. G. KHER

The terms of the Assembly's resolution of April 30 prescribe the number of Members of both Committees (as shown in enclosure No.2) leaving no room for the addition of any Muslim League Assembly members who may join at the next session. It is anticipated that a further resolution

may

may be passed to allow these additional members to find places on the Committees.

Powers of Proposed Federal Government

A strong minority of the two Committees were of the opinion that India should have a unitary and centralized form of government, on the grounds that the development of this country under British rule had taken place under this type of authority, but it was decided that both the large area and the variety of population involved in the new India were such as to require the maintenance of considerable local autonomy.

The proposed federal government will exercise authority over both its own subjects and those to be administered concurrently with the provinces; the Committee has used Schedule VII of the Act of 1935 as a basis for these legislative lists, as well as for that applying to the subjects within the competence of the federating units. All three lists will be thoroughly debated and probably altered at the next session of the Assembly. It will be noted that the powers of the Federal Government considerably exceed those contemplated by the Cabinet Mission plan as well as those carefully defined by the Constituent Assembly at its last session.

The present princely States would be allowed to enter on the basis of the Cabinet Mission plan (providing for control of their own affairs, except in matters of defense, foreign relations and communications), but might always later consent to ceding further powers.

A strong plea by Dr. K. N. KATJU(*) for the adoption of the American federal structure cementing the States and the Union was defeated by a narrow margin. It was decided to recommend that the British system of cabinet responsibility

to

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* Dr. Katju is a prominent member of the Congress who has recently returned from a visit to the United States, where he led the Indian delegation to the preparatory conference of FAO and took particular interest in the educational system of the State of New York. He has been appointed the leader of the Indian delegation to the annual session of the FAO (International Food and Agricultural Organization) to be held at Geneva in August. He is a graduate of Forman Christian College, an American missionary institution at Lahore, and is the Development Minister of the United Provinces, having made special studies of educational problems as well as of economic planning. A revised biographic sketch of Dr. Katju will shortly be submitted by the Embassy.

to the legislature be adopted in each federating unit as well as for the Union government.

Powers of Union President and Vice President

At a session of the Union Constn. Committee on June 8, it was decided to recommend the election of the Union President for a term of five years by an electoral college consisting of members of both Houses of the Union Legislature and of the Lower House of the federating units. This would mean that the princely States which become federated units will have a voice in the election of the President, provided they have their own legislatures. It may be noted that neither the French nor Swiss nor American pattern of election was followed in this recommendation and that the presidential electoral college will not correspond to its American counterpart, directly elected by popular vote. The President may not hold office for more than two terms, consecutive or otherwise, and may be impeached for violation of the constitution by a two-thirds majority of both houses of the Union Legislature which tries him.

The President is to be the constitutional head of the administration with power to dissolve the Legislature on the advice of his Prime Minister, and to refer bills back to the Legislature. A majority of both houses of the Legislature is required to pass such bills and the President must then approve them; the only exception to this rule is in the case of finance bills, which may be passed by the lower house only.

The President will also hold the title, but not the substantive authority, of the Commander-in-Chief of the armed forces. He will be the head of the State and all diplomats will be accredited to and by him. He may also commute judicial sentences and exercise the power of pardon, except in cases of impeachment for offenses against the Union.

The Vice President is to be elected for five years also by both Houses of the Union Legislature sitting together. He will preside over the Upper House (House of the States) and will act as the deputy of the President and, in case of death or even temporary absence, as his successor.

Powers of Union Legislature

At a session on June 8, the Union Constn. Committee agreed to base the powers of both the Upper House and the Lower House (House of the People) on British models. The

House

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New Delhi, India

House of the People is to consist of 500 members directly elected for a four-year term by universal adult franchise. This body only can initially consider legislation on all matters pertaining to finance, while other legislation can originate in either house.

The House of the States is to consist of about 250 members chosen by universal adult franchise for a four-year term. These elections will be designed to return one member from each federating unit having a population of 5,000,000; those having a greater population will return one member for each additional 2,000,000.

Certain members of the Committee objected strongly to the grant of universal adult franchise as being premature, but they were over-ruled by the top ranking Congress leaders who have always held to this principle. Sardar PATEL frankly stated in the debate that "we are not afraid of the man in the street", indicating that he has considerable faith in the ability of the Congress Party to maintain itself as the guiding political force in the new India, despite the recent challenges to its leadership made by the Socialist and Forward Bloc parties.

The ultimate authority of the House of the People has been accepted without reservation by the Union Constitution Committee. Joint sessions of the two Houses have been provided for settling differences whenever the Upper House refers legislation back to the Lower House.

It will be noted that terms of the Union President and of the members of the Union Legislature are not coterminous.

Powers of the Union Executive.

Also on June 8, the Union Constitution Committee decided to recommend that the Union Cabinet should, as in the British system, be jointly responsible to the Lower House. The Prime Minister will be the leader of the majority party in the Lower House. The present departments of the Government of India will constitute the original basis of the portfolios for the proposed Cabinet. Additional subjects may be assigned to the Union Government by constitutional amendment.

Powers of Governors in Federating Units

Dr. Katju had also proposed that the Governors in the federating units be elected directly by universal adult

franchise

franchise and this was agreed upon. The Governors are to have a five-year term, coextensive with the terms of the members of both houses of the legislatures, and they will be given authority to dissolve the legislatures, whether bicameral or unicameral; it will be recalled that the Central Provinces and Orissa now have unicameral legislatures. Governors may refer back bills for reconsideration only once andthese may be passed again by simple majority of the house concerned following which the Governors must approve the bill. The Governor will also have the power of pardon, except in cases of impeachment for offenses against the State. He may appoint one-sixth of the Upper House of the legislature, without the advice of his Prime Minister.

At a further joint meeting of the two committees on June 10, it was decided after considerable debate, on the suggestion of Sardar Patel, that in case of civil disturbances or any other circumstances leading to the breakdown of the constitutional machinery, the Governors could act in accordance with instructions issued by the President of the Union, as noted below. In such cases the Governors, without taking the advice of their Prime Ministers, would certify to the President the existence of a state of emergency and would request instructions. Since the President can only instruct the Governors in accordance with the advice given him by the Union Prime Minister, this procedure recognizes the right of the Union directly to administer the States in emergencies.

Legislatures of Federating Units

As noted above, not all of the present provincial legislatures are bicameral. Under the new constitution, each of the federating units will be allowed to decide whether to have two houses or one, but the membership of the Upper House in each case will be prescribed as not more than one-fourth of the total number of members in the Lower House, which will be directly elected.

The method of selection of one-half of the Upper House in each federating unit will conform to the general provisions of the Irish Constitution, under which a complicated series of panels is set up to obtain "functional representation" for representatives of arts and letters, agriculture, fisheries, trade, commerce, and other occupations. One-third of the Upper House will be elected by the Lower House, according to proportional representation. The remaining sixth of the Upper House will be appointed by the Governor, without the advice of his Prime Minister.

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New Delhi, India

As in the Union Legislature, joint sessions of both houses will vote on bills referred back to the lower house by the upper house.

Method of Selection and Powers of the Supreme Court

The Union Constitution Committee considered on June 10 and 11 the question of the Union Supreme Court, which will act both as the official court of appeal (thus superseding the Privy Council) and as the Federal Court of the Union, adjudicating all disputes between the Union and its units, as well as between the units themselves. The court would also enforce the fundamental rights of citizens. Its membership is recommended to consist of not less than ten judges, all of which (including the Chief Justice) will be appointed for life (though subject to impeachment) by the President of the Union in consultation with the Prime Minister and Chief Judges of the provincial High Courts.

The Court will also adjudicate on all treaty matters and will have advisory jurisdiction to provide the President with information on difficult legal questions. There will probably be two division benches each consisting of at least five judges in addition to the Chief Justice. The qualifications for Supreme Court Judges will follow those of the Act of 1935.

The Provincial Constitution Committee considered on June 8 the basis of appointment and powers of the High Courts, for which all judges will be selected by the Union President, on the recommendation of a panel consisting of the Governor, the Chief Judge of the High Court, and the Chief Justice of the Union. The method of appointing Chief Judges has not yet been decided upon.

Procedure for Constitutional Amendments

At a further joint session of the two Committees on June 11, it was recommended that amendment to the Union Constitution be carried by a two-thirds majority of both the houses of the Union Legislature and be approved by a simple majority of the legislatures of the federating units.

Administration of the Chief Commissioners' Provinces

The Union Constitution Committee on its session on June 8 also decided that the Chief Commissioner's provinces should be granted legislatures with powers considerably less than those enjoyed by provincial legislatures and that, should any of these (consisting at present of Delhi, Ajmer-Merwara and Coorg) so wish, they might be allowed to amalgamate with any federating units.

The

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June 19, 1947
New Delhi, India

The Union Constitution Committee on June 11 heard the views of Mr. L. Deshbandhu GUPTA, who replaced Mr. ASAF ALI as the Delhi member of the Constituent Assembly, concerning the future of this Province. Mr. Gupta suggested that the present small area be enlarged to include parts of the south-east Punjab (Ambala Division, Jullundur Division and parts of Lahore Division) and of the United Provinces (Meerut and Agra Divisions and parts of Rohilkhand Division). The area of the proposed new province would be 59,285 square miles and its population 27,054,773. Mr. Gupta suggested that if his plan was not accepted, it might be possible to establish a democratic and responsible government consisting of a Governor or Chief Commissioner nominated by the Union President and a council of ministers responsible to a legislature of 50 members elected on the basis of universal adult franchise. The Union Constitution Committee are reported to have been in favor of the latter suggestion.

Press Comment

Surprisingly little press comment has yet appeared concerning these constitutional labors. The Hindustan Times of June 9 pointed out that the procedure of the Constituent Assembly must necessarily change following the development brought about by the Viceroy's statement of June 3 and that the Assembly should alter its rules to provide for the immediate establishment of a Union constitution, leaving aside for the moment "provincial" constitutions; for the expansion of the powers of the Central Government (which need no longer be confined to defense, communications and foreign affairs); and for the elimination of the rule of double majority whereby a majority of both communal groups were required by the Cabinet Mission plan to approve certain constitutional provisions. The Times suggested that new departments might be established for national economic planning and for the control of mineral resources and that the President should not be simply a figure head of the majority party in the central legislature, concluding that once the Union Constitution is framed and a simple procedure adopted for the appointment of provincial governors, Dominion status might be achieved for India at once, following which the question of redistributing provinces on linguistic or other bases could be thoroughly investigated.

The Indian News Chronicle of June 10 strongly opposed the grant of comparatively few powers to the President, who may regulate parliamentary procedure without controlling it, supervise the administration without being its executive head, and be a symbol of the State without any sovereign authority of his own. The Chronicle recommended that the President be given reserve powers, similar to those in the United States, to enable him to enforce uniform federal law and keep the federating units together, on the ground

that

Enclosure No.1 to
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June 19, 1947
New Delhi, India

that a strong executive head was necessary for "a country where dissident elements have been fostered on an artificial basis to enable a foreign authority to maintain a strong grip on the national life". The President should also, according to this newspaper, be subject to losing his office by a popular vote ("recall"), although this would not correspond to the method of his election.

Probable Arrangements for Interim Dominion Status

As it seems unlikely that any independent government can be formed until 1950 or perhaps April 1949 at the earliest, a provisional government chosen by and responsible to the Constituent Assembly will probably administer the country during the period of Dominion Status, which will last until the electoral rolls, based on universal adult franchise, have been compiled and the new electoral machinery established. As the Constituent Assembly will thus be functioning not only as a constitutional body, but also as a legislature required to approve regular bills, including the budget, it will not be possible for provincial Prime Ministers and Ministers, as well as members of the present provincial legislatures, to belong to it effectively. Approximately fifty percent of the Assembly's membership will eventually have to resign on these grounds and it is possible that some preference may be given members of the present Central Assembly in filling these vacancies. The present States' representatives cannot legally participate in framing legislation with the Assembly and must await the passage of the new constitution before doing so. Furthermore, the present members of the Assembly from the Punjab, Bengal, and possibly the Sylhet district (Assam) will have to be re-elected after the legislatures concerned have voted on the issue of partitioning these areas.

Without any indication from London of the proposed terms of the legislation conferring Dominion Status on India, it is difficult to say just how constitutional matters may develop, but it is clear that the Constituent Assembly will have to choose a Prime Minister to recommend to the King the nomination of the first and possibly only Governor-General of India, who will perform exactly the same functions as in other Dominions. The present members of the government will probably be asked to remain in Cabinet posts by the new Prime Minister, who will also have to fill the five vacancies which will be left by the departure of those members affiliated with the Muslim League. As the Muslim population of the new India will probably be no more than 12 per cent of the total, there may be only two Muslims in the Cabinet. The present Central Assembly and Council of State will, of course, disappear and legislation passed by these Houses will probably be carried forward by the Constituent Assembly from the stage previously reached.

To

Enclosure No.1 to
Despatch No.1156
June 19, 1947
New Delhi, India

To ensure stability, it will be necessary to conclude very early after the establishment of the two Dominions, agreements governing their customs and currency laws, the control of imports and exports, and exchange control regulations, and India will have to advance funds, pending later adjustments, to Pakistan. The position of the principal Indian States, at present obscure, will also have to be finally settled during the period of Dominion Status. Last, but most important, it will be essential for both Dominions to implement at least a few of the many plans for the economic development of India already elaborated by the Central Government.

R. D. Gatewood
R. D. Gatewood
Second Secretary

Sources (Confidential):

Mr. N. V. R. Iengar, Secretary, and
Mr. D. Y. Dev, Publicity Officer of
Constituent Assembly

RDG/rk

[redacted]

Enclosure no.1 to despatch no. 1126 dated June 19, 1947, from Howard Donovan, Charge d'Affairs a.i., American Embassy, New Delhi, on the subject of "Emerging form of Indian Constitution".

UNION CONSTITUTION COMMITTEE.

1. Pandit Jawaharlal Nehru
2. Maulana Abul Kalam Azad
3. Pandit Govind Ballabh Pant
4. Mr. Jagjivan Ram
5. Dr.B.R.Ambedkar
6. Sir Alladi Krishnaswami Ayyar
7. Mr. K.M.Munshi
8. Prof. K.T.Shah
9. Dr. Syama Prasad Mookherjee
10. Sir V.T.Krishnamachari
11. Sardar K.M.Panikkar
12. Sir N.Gopalaswami Ayyangar
13. Mr. P.Govinda Menon
14. Mr. M.A.Srinivasan
15. Mr.B.H.Zaidi.

PROVINCIAL CONSTITUTION COMMITTEE.

1. Sardar Vallabhbhai Patel
2. Dr. P.Subbarayan
3. Dr. B.Pattabhi Sitaramayya
4. Mr. B.G.Kher
5. Mr. Brijlal Biyani
6. Dr. K.N.Katju
7. Mr. Phulan Prasad Verma
8. Mr. Harekrushana Mahtab
9. Mr. Kiran Shankar Roy
10. Mr. Rohini Kumar Choudhury
11. Mr. Jairamdas Daulatram
12. Sardar Ujjal Singh
13. Diwan Chaman Lall
14. Dr. P.K.Sen
15. Mr. C.M.Poonacha
16. Mr. Radhanath Das
17. Mr. Satyanarayan Sinha
18. Mr. Rafi Ahmad Kidwai
19. Mrs. Hansa Mehta
20. Rajkumari Amrit Kaur
21. Dr. H.C.Mookherjee.
22. Acharya J.B.Kripalani
23. Mr. Shankar Rao Deo
24. Mr. R.R.Diwakar
25. Mr. S.Nagappa.

H.

These Committees were set up by the following resolution of the Constituent Assembly of 30th April,1947:-

"This Assembly resolves that in accordance with the recommendations contained in the Report of the Order of Business Committee, the following Committees be nominated by the President with instructions to report before the next session of the Assembly;

(1) a committee consisting of not more than 15 members to report on the main principles of the Union Constitution.

)2) a committee consisting of not more than 25 members to report on the main principles of the model Provincial Constitution."

Enclosure No.3 to despatch no.1156 dated June 19, 1947, from Howard Donovan, Charge d'Affaires a.i., American Embassy, New Delhi, on the subject of "Emerging Form of Indian Constitution."

RESTRICTED

Sub-Committees of Union Constitution and

Provincial Constitution Committees

of Indian Constituent Assembly

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1). Sub-Committees of the Union Constitution Committee:

(a) To examine the method of electing the Union President, including the electoral college for this purpose, and the composition of the Upper House of the Union Legislature:

Sir Gopalaswami IYENGAR (Prime Minister of Jaipur)

Dr. B.R. AMBEDKAR

Mr. K.M. MUNSHI

Mr. K.M. PANNIKAR (Diwan of Bikaner)

(b) To examine the method of appointment and the composition of the Supreme Court:

Sir Srinivasa VARADACHARIAR (Chairman - just retired from the Federal Court)

Sir Alladi Krishnaswami IYER (Former Advocate-General, Madras)

Sir Gopalaswami IYENGAR

Sir B.L. MITTER (Dewan of Baroda)

Sir B.N. RAO (Adviser on constitutional matters to the Constituent Assembly)

Mr. K.M. Munshi

2) Sub-Committees of the Provincial Constitution Committee:

(a) To recommend method of electing provincial governors and of safeguarding rights and privileges of members of the legislatures:

Mr. B.G. KHER (Prime Minister of Bombay)

Dr. K.N. KATJU

Enclosure No.3 to despatch no.1156 dated June 19, 1947, from Howard Donovan, Charge d'Affaires a.i., American Embassy, New Delhi, on the subject of "Emerging Form of Indian Constitution."

Dr. K.N. KATJU (Development Minister, U.P.)

Dr. P. SUBBAROYAN (Former Law Minister, Madras)

(b) To examine the composition of Upper Houses in the provinces:

Mr. B.G. Kher

Dr. Pattabhi SITARAMAYYA (President, All-India States Peoples' Conference)

Dr. P. Subbaroyan

Dr. K.N. Katju

3) Joint Sub-Committee of Union and Provincial Constitution Committees

To examine the possibility of forming linguistic provinces (this Committee will not report before June 30, 1947):

Mr. Shankerrao DEO (General Secretary of Congress Party)

Dr. S. MUKHERJEE (Former President, Hindu Mahasabha)

Mr. P. GOVINDAMENON (Minister, Cochin State)

Mr. R.R. DIWAKAR (Representing Maharashtriyan areas)

Mr. S. NAGAPPA (M.L.A., Madras)

Mr. Brijlal BIYANI (Member of Council of State from the Central Provinces and Leader of anti-Nizam movement in Berar)

Dr. B.R. Ambedkar

Dr. P. Sitaramayya

Sir Gopalaswami Iyengar

Mr. B.G. Kher

Mr. K.M. Munshi

Dr. P. Subbaroyan

RDG/esm

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No.74

UNCLASSIFIED

AMERICAN EMBASSY
New Delhi 5, India
July 23, 1947

Subject: Indian Constituent Assembly Union Constitution Committee's Memorandum submitted July 4, 1947

The Honorable
The Secretary of State,
Washington, D.C.

Sir:

With reference to my despatch no.73 dated July 23, 1947 on the subject "Report of Indian Constituent Assembly Union Powers Committee submitted July 5, 1947", I have the honor to enclose for the information of the Department five copies of a memorandum on the principles of the Union Constitution submitted by the Union Constitution Committee on July 4, 1947.

Owing to the present staff shortage it is not possible to prepare a summary of the report.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

Enclosure:

5 copies, Indian Constituent Assembly
Union Constitution Committee's Memorandum

800
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To the Department in original and hectograph

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COLLECTION AND DISSEMINATION

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No.73

UNCLASSIFIED

AMERICAN EMBASSY
New Delhi 5, India
July 23, 1947

Subject: Report of Indian Constituent Assembly Union Powers Committee submitted July 5, 1947

845.032/7-2347

The Honorable
The Secretary of State,
Washington, D.C.

Sir:

With reference to previous despatches on the subject of the Indian Constituent Assembly, I have the honor to enclose for the information of the Department five copies of the Report of the Union Powers Committee submitted by Jawaharlal Nehru, Chairman, on July 5, 1947.

It is not possible at this time, owing to staff shortages, to prepare a summary.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

Enclosure:
5 copies, Report of the Union Powers Committee

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To the Department in original and hectograph

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COLLECTION AND DISSEMINATION

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

RESTRICTED

DIVISION OF MIDDLE EASTERN AND INDIAN AFFAIRS

AMERICAN EMBASSY
New Delhi, India

No. 144

SEP 10 1947

August 21, 1947

DEPARTMENT OF STATE

Subject: Assumption of Power by Indian Constituent Assembly: Nehru's and Rajendra Prasad's Addresses.

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DEPARTMENT OF STATE

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THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith five copies of
1/ the text of the address delivered by Dr. Rajendra PRASAD, President of the Indian Constituent Assembly, at the midnight session held August 14-15, 1947, on the occasion of the assumption of power by the Assembly, and five copies of the
2/ text of Jawaharlal NEHRU's address at the same meeting, as released by the Government of India Press Information Bureau.

While unprecedented destruction and slaughter went on in Amritsar and Lahore, large crowds gathered outside the Council House to cheer the Prime Minister as he arrived for the midnight session. The Assembly met at 11 P.M. in Constitution Hall, in which picture frames, from which paintings of former Viceroys had been removed, were filled with national flags. With the exception of Congress President Acharya KRIPALANI, who was in Sind making speeches calculated to embarrass the Pakistan Government, virtually all members of the Assembly were present. Diplomatic representatives and other prominent guests were seated on either side of the rostrum.

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The session, which Mrs. Grady and I attended, was addressed by Dr. Prasad, Mr. Nehru, Choudhury KHALIQ-UZ-ZAMAN, leader of the Muslim League Party, Mr. S. RADHAKRISHNAN, and Mr. Hansa MEHTA. The meeting began with the singing of "Vande Mataram" by Mrs. Sucheta Kripalani. Since this song is written in archaic language which virtually no one in India understands today, and since the tune seems to the Western ear at least to possess little in the way of inspiring qualities, it is a question how popular it will be with the masses if it is adopted as a national anthem.

CS/V

Dr. Prasad's/

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Dr. Prasad's address was followed by two minutes silence in memory of those who had "died in the struggle for freedom in India and elsewhere", after which Mr. Nehru spoke--first in Hindustani and then, with considerably more self-confidence, in English. At the end of his address--at midnight--Mr. Nehru led the house in the pledge to the service of India.

Mr. Radhakrishnan in his speech drew a contrast between current developments in India and those in Indonesia, and praised the "political sagacity and courage" of the British people.

While the atmosphere was sufficiently dignified, one could not but be aware of the fact that there was no evidence in the house of great enthusiasm or spontaneity. Many of those present probably resented the fact that India had been partitioned; the more intelligent members of the Assembly may have felt regret over the failure of Congress to accept the Cabinet Mission Plan; and still others were undoubtedly somewhat abashed by the prospect of conducting national affairs without the assistance of British administrative personnel.

Following adjournment, Dr. Prasad and Mr. Nehru drove to Government House to request Lord Mountbatten to serve as Governor-General.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

Enclosures:

1/ Five copies of text of address delivered by Dr. Rajendra Prasad.
2/ Five copies of text of address delivered by Mr. Nehru.

800
T. Eliot Weil/ah

Original and hectograph to Department
Copies to: Embassy, London
Embassy, Moscow
Consulate General, Bombay.

Enclosure no. 1 to Despatch no. 144 dated August 21, 1947, from Henry F. Grady, American Ambassador at New Delhi, India, on the subject "Assumption of Power by Indian Constituent Assembly : Nehru's and Rajendra Prasad's Addresses".

STATESMAN August 15, 1947.

DR. PRASAD PLEDGES FAIR DEAL TO MINORITIES

'PEACE AND FREEDOM FOR ALL': HOMAGE TO MR. GANDHI

The Constituent Assembly of India met for an hour and a quarter on Thursday night at which it passed Pandit Nehru's resolution prescribing the oath. All members took the oath as prescribed in the resolution after which Dr Rajendra Prasad and Pandit Nehru left for Government House.

OVER 50,000 people cheered Pandit Nehru as he along with Dr Prasad, left the Council Hall for Government House at 12-25 a.m. As the clock chimed 12, conches were blown and thunderous applause and cries of "Mahatma Gandhi Ki Jai" greeted the birth of freedom.

Pandit Nehru's resolution, which was seconded by Chaudhri Khaliq-uz-Zaman, leader of the Muslim League Party, expressed the hope that the era of slogans had ended and all would now work for the peace and prosperity of India. The resolution, which was supported by Dr Radhakrishnan, was carried unanimously.

An assurance to the minorities in India that they will receive fair and just treatment and that there will be no discrimination in any form against them was given by the President of the Assembly, Dr Prasad, addressing the House.

The following is the text of Dr Prasad's speech:

"In this solemn hour of our history, when after many years of struggle we are taking over the governance of this country, let us offer our humble thanks to the Almighty that shapes the destinies of men and nations and lets us recall in grateful remembrance the services and sacrifices of all those men and women, known and unknown, who with smiles on their face walked to the gallows or faced bullets on their chests, who experienced living death in the cells of the Andamans, or spent long years in the prisons of India, who preferred voluntary exile in foreign countries to a life of humiliation in their own, who not only lost wealth and property but cut themselves of from near and dear ones to devote themselves to the achievement of the great objective which we are witnessing today.

"Let us also pay our tribute of love and reverence to Mahatma Gandhi who has been our beacon light, our guide and philospher during the last 30 years or more. He represents that undying spirit in our culture and make-up which has kept India alive through vicissitudes of our history. It is he who pulled us out of the slough of despair and blowed into us a spirit which enabled as to stand up for justice to claim our birthright of freedom and placed in our hands the matchless and unfailing weapon of truth and non-violence which with out arms and armaments has won for us the invaluable prize of swaraj at a price which, when the history of these times comes to be written, will be regarded as incredible for a vast country of our size and for the teeming millions of our population.

Unwavering Determination

"We were indifferent instruments that he had to work with but he led us with consummate skill, with unwavering determination, with undying faith in our future, with faith in his weapon and above all with faith in God. Let us prove true to that faith. Let us hope that India will not in the hour of her triumph give up or minimize the value of the weapon which served not only to rouse and inspire her in her moments of depression but has also proved its efficacy

"India has a great part to play in the shaping and moulding of the future of a war-distracted world. She can play that part not by mimicking, from a distance what others are doing, or by joining in the race for armaments and competing with others in the discovery of the latest and most effective instruments of destruction. She has now the opportunity, and, let us hope, she will have the courage and strength to place before the world for its acceptance her infallible sub-and destruction The world needs it stitute for war and bloodshed, death and will welcome it unless it is prepared to reel back into barbarism from which it boasts to have emerged.

"Let us then assure all countries of the world that we propose to stick to our historic tradition to be on terms of friendship and amity with all, that we have no designs against any one and hope that none will have any against us. We have only one ambition and desire and that is to make our contribution to the building up of freedom for all and peace among mankind.

"The country which was made by God and nature to be one stands divided today. Separation from near and dear ones, even from strangers after some association, is always painful. I would be untrue to myself if I did not at this moment confess to a sense of sorrow at this separation. But I wish to send on your behalf and my own our greetings and good wishes for success and the best of luck in the high endeavour of government in which the people of Pakistan, which till today has been a part and parcel of ourselves, will be engaged.

Advice To Minorities

"To those who feel like us but are on the other side of the border we send a word of cheer. They should not give way to panic but should stick to their hearths and homes, their religion and culture and cultivate the qualities of courage and forbearance. They have no reason to fear that they will not get protection and just and fair treatment, and they should not become victims of doubt and suspicion. They must accept the assurances publicly given and win their rightful place in the polity of the State where they are placed by their loyalty.

"To all the minorities in India we give the assurance that they will receive fair and just treatment and there will be no discrimination in any form against them. Their religion, their culture and their language are safe and they will enjoy all the rights and privileges of citizenship, and will be expected in their turn to render loyalty to the country in which they live and to its constitution. To all we give the assurance that it will be our endeavour to end poverty and squalor and its companions, hunger and disease, to abolish distinctions and exploitation and to ensure decent conditions of living.

"We are embarking on a great task. We hope that in this we shall have the unstinted service and co-operation of all our people and the sympathy and support of all the communities. We shall do our best to deserve it."—API.

A microfilm project

Enclosure no. 2 to Despatch no. 144 dated August 21, 1947, from Henry F. Grady, American Ambassador at New Delhi, India, on the subject "Assumption of Power by Indian Constituent Assembly : Nehru's and Rajendra Prasad's Addresses".

STATESMAN August 15, 1947.

INDIA DISCOVERS HERSELF AGAIN, SAYS PT. NEHRU

"Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially, declared India's first Premier Pandit Nehru, moving the resolution prescribing an oath for the members in the Constituent Assembly on Thursday night.

The pledge as moved in the House had slight verbal variations from the one circulated earlier this week.

"At the stroke of midnight hour," Pandit Nehru said, "when the world sleeps, India will awake to life and freedom. A moment comes which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity."

Pandit Nehru continued: "At the dawn of history India started on her unending quest, and trackless centuries are filled with her striving and the grandeur of her successes and her failures. Through good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune and India discovers herself again. The achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievements that await us. Are we brave enough and wise enough to grasp this opportunity and accept the challenge of the future?

"Freedom and power bring responsibility. That responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless the past is over and it is the future that beckons to us now.

"That future is not one of ease or resting but of incessant striving so that we might fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us but so long as there are tears and suffering, so long our work will not be over.

Hard Work Ahead

"And so we have to labour and to work and work hard to give reality to our dreams. Those dreams are for India, but they are also for the world, for all the nations and peoples are too closely knit together today for any one of them to imagine that it can live apart. Peace has been said to be indivisible, so is freedom, so is prosperity now, and so also is disaster in this one world that can no longer be split into isolated fragments.

"To the people of India whose representatives we are, we make appeal to join us with faith and confidence in this great adventure. This is no time for petty and destructive criticism, no time for ill-will or blaming others. We have to build the noble mansion of free India where all her children may dwell.

"I beg to move, Sir, that it be resolved that:

(1) After the last stroke of midnight, all members of the Constituent Assembly, present on this occasion, do take the following peldge:

'At this solemn moment when the people of India, through suffering and sacrifice, have secured freedom, I, ... a member of the Constituent Assembly of India, do dedicate myself in all humility to the service of India and her people to the end that this ancient land attain her rightful place in the world and make her full and willing contribution to the promotion of world peace and the welfare of mankind.'

(2) Members who are not present on this occasion do take the pledge (with such verbal changes as the President may prescribe) at the time they next attend a session of the Assembly."—API.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

UNCLASSIFIED

AMERICAN EMBASSY
New Delhi 5, India

November 26, 1947

No. 360

DIVISION OF SOUTH ASIAN AFFAIRS
DEC 15 1947
Department of State

Subject: Transmitting the Indian Legislative Assembly Debates

The Ambassador has the honor to forward herewith for the use of the Department one set of Legislative Assembly Debates covering the period from March 21 to April 9, 1947.

Accompaniment:

One set of Legislative
Assembly Debates

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To Department in quintuplicate

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

CONFIDENTIAL New Delhi, India, April 26, 1948

NO. 415

SUBJECT: Pandit Nehru's Speech at Bombay Before All-India Congress Committee.

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DIVISION OF SOUTH ASIAN AFFAIRS
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Department of State

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HIS HONOR

THE SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to refer to New Delhi's telegram no. [illegible] of April 22, 1948 quoting important excerpts from a speech delivered at Bombay on April 24 by Pandit NEHRU before the All-India Congress Committee. I have requested the Consul General at Bombay to submit the text of this speech as it was published in the Bombay press since there may be discrepancies in that version and the text as it appeared in the Delhi press. The Embassy has also requested the Consul General at Bombay to report on the proceedings of the All-India Congress Committee.

The text of Nehru's speech as reported in the Delhi Statesman of April 25 is enclosed. The speech is in the Embassy's opinion a remarkable document, especially the references to Hyderabad and Kashmir. According to the press report Nehru said it was "impossible to accept the Security Council's resolution" on Kashmir. Nehru accused the Council of discussing "all points except the real point at issue". The question of assistance to the raiders by Pakistan had, according to Nehru, been consistently ignored by the Security Council, and "comments in the SC by representatives of certain countries have been most deplorable and painful." Continuing, the Prime Minister said "Why these friendly countries should oppose us on such a clear issue I am unable to understand. The only obvious conclusion is that our freedom has not in the least changed the attitude of these countries toward us." India's course of action regarding Kashmir will be decided upon the return of the Indian delegation to Delhi.

Nehru's remarks regarding Hyderabad appear to the Embassy to have been unnecessarily provocative. Such statements as "There are two courses now open to Hyderabad --war or accession," can scarcely contribute to a peaceful solution of the Hyderabad question. Nehru said that it was "impossible for a feudal system of government to continue in Hyderabad, and full responsible government must be

established

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established in that State as a matter of principle." Nehru then added that the same problem existed with respect to the Portuguese and French colonies and that the GOI would deal with those problems in due course. The Embassy believes that if the GOI would adopt a less dictatorial and high-handed manner with Hyderabad the question of Hyderabad's accession could be solved much more easily. The UK High Commissioner's Office and other members of the diplomatic corps in New Delhi take this same viewpoint.

Nehru's comments on the United States vis-a-vis Russia were in line with his usual statements on the subject. He said that while India could not "obviously join either of the two groups, her efforts must be directed toward bringing about an understanding between Russia and the USA". There has been no editorial comment on Nehru's speech up to the date of this despatch except in the Delhi Statesman of April 26. The Statesman makes some rather pertinent comments on Nehru's statement that India should endeavor to bring about an understanding between the USA and Russia, the pertinent portion of which is quoted herewith:

> "If he /Nehru/ was correctly reported, he expressed sentiments wholly incongruous in one cast for the role of international peacemaker, though doubtless they will be applauded by jingoes, counterparts of the deplorably inflammable Mr. RAZVI. It is said of plague, the calamity with which Calcutta is now smitten, that when the temperature rises the incidence drops. Quite the opposite is true of that other, still more formidable epidemic - war. Hot words encourage hot acts; seemingly spontaneous combustion in a small area leads to conflagration in a large. If, on the other hand, each dispute however vexing, is treated coolly the general temperature drops. If India and Pakistan bend their chief efforts to removing war from their borders, they will reduce the risk of war in the world, and do so more effectively than by offering unsought advice to the USA and Russia."

The Embassy will report any further worthwhile local reactions or comments to this speech.

Respectfully yours,

Howard Donovan

Howard Donovan
Charge d'Affaires, ad interim

Enclosure:

CONFIDENTIAL

Enclosure: 1

Clipping from Statesman
April 25, 1948 entitled
"Pandit Nehru's Declaration"

HDonovan:fv

Original and hectograph to Department
Copy to: Embassy, London
Embassy, Karachi
Consulate General, Bombay

CONFIDENTIAL

Enclosure to Despatch No. 415 dated April 26, 1948, from Howard Donovan, Charge d'Affaires, ad interim, American Embassy, New Delhi, India, entitled "Pandit Nehru's Speech at Bombay Before All-India Congress Committee".

STATESMAN April 25, 1948

PANDIT NEHRU'S DECLARATION

A.I.C.C. SESSION BEGINS IN BOMBAY

IMPORTANT DECISION ON CONSTITUTION

BOMBAY, Apr 24.—India's policy in the international sphere would be one of strict neutrality, said Pandit Nehru, the Indian Premier, reviewing the broad lines of the Government's foreign policy at the AICC session which began here today.

EMPHASIZING that the world today was split into two power blocs, he declared that while India could not obviously join either of the two groups her efforts should be directed towards bringing about an understanding between Russia and the USA. There was already some talk of war but it was his firm belief that there would be no third world war in the near future.

Regarding Kashmir, Pandit Nehru expressed his utter disappointment at the U.N.'s handling of India's application. It would be the duty of the Government of India to defend Kashmir as long as it remained part of India and "the Government of India will never flinch from this duty."

It was impossible to accept the Security Council's resolution. Future action would be decided after the return of the Indian delegation next week.

Referring to Hyderabad, the Premier said that the speeches of the Ittehad-ul-Muslimin and Razakar leaders, which the Nizam's Government were apparently powerless to restrain, could be regarded as hostile or unfriendly acts against the Indian Union.

He appealed to the people to let the issue be handled by the Government which was fully alive to the urgency but could not be more vocal about it plans as persons in their individual capacity could be.

An important decision to limit the jurisdiction of the Congress to the Indian Union and to eliminate East Bengal, Sind, West Punjab and the NWFP, was taken by the Congress Committee when it discussed the new Congress constitution.

The first three articles of the new constitution as recommended by the Drafting Committee and the Working Committee were adopted. Only in one case was an amendment carried, in respect of banning Congress members from being members of communal organizations. The amendment was moved by Mr Mohan Singh Sawhney (Delhi).

Proposal Opposed

Opposing the proposal that East Bengal should have continued relations with the Congress, Pandit Nehru said that such a proposition was outside the purview of the Congress. "It is something that is absolutely unfair and impossible," he said.

The proceedings commenced with the singing of "Vande Mataram" by Master Krishna Rao, as well as another new song, "Amar Hai Hindustan Hamara," composed by Mr Krishna Rao, specially for the occasion.

Dr Rajendra Prasad, in his inaugural address, reviewed the general situation in the country as it had developed during the past few months and appealed to the people to adapt their outlook to the changed conditions, to co-operate with the Government in the huge task confronting it and to be constructive in their criticism, now that power had passed into the hands of the people themselves.

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Since India became free, the Government and the people had been faced with an avalanche of difficulties of an unprecedented nature and the end of their troubles did not yet appear in sight. "In spite of these obstacles, which are almost overwhelming in their nature, we have been able to make satisfactory headway. It does not mean, however, that everything in the garden is rosy."

The things that had happened during the intervening period were such as to cause them both sorrow and shame, and the people must discipline themselves so that those things did not happen again. After referring to Mahatma Gandhi's death, the sorrow of which was still in their hearts, Dr Rajendra Prasad said: "Today we want to see clearly the path that lies before us in the light of the guidance that Mahatma Gandhi has given us."

The Congress President then dealt with the problem of refugees and said while the Government, in spite of superhuman efforts, had not been able to put all those who had come into the Indian Union on their feet again, it was making all possible efforts to rehabilitate them. He pleaded for patience and understanding. The problems presented to the Government of India were of a magnitude unparalleled in the history of any country in the world and no Government at any time had been able to cope with such sudden occurrences. With the best of intentions, the Government of India could not prevent what had occurred. He, therefore, urged the refugees and their sympathizers to realize that time was needed to cope with this stupendous problem.

Gigantic Task

Nobody but the Government could adequately deal with this gigantic task. It was the duty of the Government to take the fullest advantage of the non-official effort, and it was the duty of non-official organizations to extend their fullest support to the Government in this task. If there had been any misunderstanding in the handling of this problem—and there was no foundation for most of these misunderstandings—it was the duty of everyone to change the outlook where it was warped by grievances and sorrows.

"If anybody thinks that there has been delay or negligence, let it be realized that we have forgotten the rules which we had followed when we were fighting for independence. There can be no peace in the country so long as we do not re-establish the atmosphere of brotherliness that has marked our common struggle against the domination of the third party. We had once gathered together under a common banner forgetting minor differences in order to win freedom. Now that we have achieved our objective, we can only remain free and derive the fullest benefit of our victory if we live as brothers, strengthening the foundation of the people's Government, instead of weakening it by shortsighted and disruptive criticism.

Dr Prasad then dwelt on the Congress constitution and the changes that were to be made in it. "Even the best of constitutions will be infructuous if it is not carried out in the proper spirit," he said. "The purpose of the new constitution is that the people as a whole should get the greatest benefit from the power that has come into the people's hands. The Congress has done great things in the past and has won freedom. As long as the fight with the British Government was on, the sole motto of those fighting against it was freedom.

"Now the position has changed. Some have separated from the Congress. But it is the duty of all of us so to conduct ourselves that even in our divergent paths, the common strength of India is increased and her prestige is not lowered.

"In the ultimate result, the separations, regrettable as they are, must not prove an evil but must be a factor for good. Today power is in the people's hands and the decisions taken by the Ministers are taken on their behalf. The manner of approach in criticizing the Government must, therefore, be entirely different from what it was when we were opposing the policies of a foreign Government which was unresponsive to the wishes of the people. If any changes are to be suggested to the Government they must be offered in a constructive spirit. Many people have not yet fully realized the change that has come about and are still following the old methods of opposition. The great need today is for full understanding between the people and the Government."

Dr Prasad referred to Indians abroad, particularly in South Africa, Burma and Ceylon, and said that with India becoming free, "our brethren in other lands are looking to us to bring about an amelioration of their condition. India is following their fortunes with the greatest sympathy and interests."

As regards the passive resistance movement launched by Indians in South Africa, Dr Prasad said: "We have not forgotten them. Our sympathies are fully with them and we hope that the South African Government will realize that this problem must be solved satisfactorily at the earliest moment.

"The Indian Government has already taken certain steps in the matter and they will not rest content so long as Indians are denied freedom to live and to carry on their normal avocations there. We have only one way to conduct our fight and that is the way that we have followed in the past."

Finally Dr Prasad referred to the internal situation and dwelt on the problem of Hyderabad. He praised the great achievements of Sardar Patel and conveyed to the AICC the apologies sent by Sardar Patel for not being able to be present. He then read Sardar Patel's message.

PANDIT NEHRU REVIEWS FOREIGN POLICY

Speaking after the Congress President's inaugural address, Pandit Nehru reviewed the broad lines of the Government of India's foreign policy, and that in regard to Kashmir and Hyderabad.

There was a general complaint, Pandit Nehru said, that India had been isolated, "in the world's political manipulations."

India's policy in the international sphere would be one of strict neutrality. "We want to be friendly with every country and follow our own line of policy on every question that might arise, remaining neutral on those not affecting us directly.

"The world today is split into two power blocs. There is already some talk of war. But it is my firm belief that there will be no third world war in the near future. We shall take care not to align ourselves with one group or the other for temporary gains.

"What has been the result of the last two world wars? They have left behind them more problems They have definitely led to more complications. This clearly shows that the old way of dealing with world problems through violence is not the path of peace"

He declared that, while India could not obviously join either of the two groups, her efforts must be directed towards bringing about an understanding between Russia and the USA.

Pandit Nehru referred to the large number of telegrams he had been receiving daily suggesting that India should do something to stop the rot and said that India was quite prepared to do her bit to bring about a compromise. He indicated that he was prepared to go anywhere provided he felt that his going would help in producing the desired results. The question naturally arose as to whether he could afford to leave India in the present state of affairs in the country.

The world's ills today could be cured only by love and non-violence

He then dealt with the Kashmir issue. He said: "We may have made many mistakes in the past and ourselves realized them later, but as far as the question of Kashmir is concerned, from first to last I feel convinced we made no mistake whatever.

"We went to the U.N. on the question of Kashmir with a simple and straight issue. During the last 4½ months that the Kashmir issue has been before the Securit. Council of the United Nations, the Council discussed all points except the real point at issue. It was as clear as daylight to anyone who wished to see that the tribesmen, who raided Kashmir could never have reached Kashmir territory without the connivance of the Pakistan authorities This straight issue has been consistently baulked by the Security Council, though we have repeatedly asserted inside and outside the Security Council that the raiders had the connivance and support of the Pakistan Government.

"Comments in the Security Council by representatives of certain countries have been most deplorable and painful. Why these friendly countries should oppose us on such a clear issue I am unable to understand. The only obvious conclusion is that our freedom has not in the least changed the attitude of these countries towards us."

The Kashmir problem, Pandit Nehru contended, was not a Hindu-Muslim problem for the reason that the majority of the population in Kashmir were Muslims and they were bitterly opposed to the invaders. Moreover they were all followers of Sheikh Abdullah and had endorsed the Maharaja's decision to accede to India.

POSITION IN KASHMIR QUITE CLEAR

The position in Kashmir thus was quite clear. Not only had the Maharaja decided to accede to India, but the National Conference had fully supported that decision. In spite of these facts the Government of India had always indicated its readiness to hold a plebiscite in Kashmir as soon as conditions in the Kashmir Valley permitted it. Some foreign countries took it for granted that if a country had Muslims as its majority, then it should automatically join Pakistan. This was a mistaken notion which had no relation to facts and the situation. "We resent the attitude of those countries who think that all Muslims are Pakistanis and always make a distinction between Hindu India and Muslim India", Pandit Nehru said.

Referring to the resolution on Kashmir passed by the U.N. Security Council, Pandit Nehru said that it was impossible for India to accept it and the Government's future course of action would be decided on the return of the Indian delegation. "As long as Kashmir continues to remain part of India, it will be our duty to safeguard and protect Kashmir and fight whoever threatens its integrity," Pandit Nehru said.

Coming to Hyderabad, Pandit Nehru said as far as he could see, by compulsion of events—both geographical and economical—Hyderabad would have to accede to India. "There are two courses now open to Hyderabad—war or accession," Pandit Nehru said. "War is a prolonged affair, and if we resort to it, many new problems arise. We have therefore been trying to solve this problem by negotiation, but that does not mean that we are afraid of following the path of war."

Pandit Nehru said that the Government of India wished to apply the same principles to Hyderabad, as in the case of Kashmir, Junagadh and other States, namely that the wish of the people of State should ultimately prevail. With that end in view the Government had persuaded most of the Indian States to grant responsible government to the people, and Hyderabad was the only State where this had not been done so far.

"It is impossible for a feudal system of government to continue in Hyderabad, and full responsible government must be established in that State as a matter of principle. The Government have before them similar question of the Portuguese and French settlements also and these would also be taken up in course of time."

Provocative Speeches

Referring to the Majlis Ittehad-ul-Muslimin and the Razakars, Pandit Nehru said that their leader had been making utterances which, even leaving aside the speech which was denied, would be regarded as a hostile and unfriendly act against the neighbouring Government, namely, the Government of India.

"The main question that arises from the provocative utterances of the Razakars leaders is, who is the ruling authority in Hyderabad State now? Is it the Razakars or the Nizam? Either the Nizam's Government approve of what the Ittehad-ul-Muslimin leader says, or they do not. If they do, then they must make that clear. If they do not they must take action to prevent the Ittehad leader from indulging in such irresponsible utterances.

"The fact that the State Government have not taken action against him raises another question, namely, whether they are powerless to curb him and his followers; in other words, whether the Nizam's Government exist in the true sense of the word, or whether there is some other Government in the State operating behind the purdah."

Pandit Nehru referred to the border incidents and said that if, in spite of the indications they had, the Nizam's Government continued to connive at the exploits of the Razakars, their connivance was liable to be regarded by the Indian Government as a hostile act. The fact that the Central Government and the provincial Government were not vocal about the border incidents must not be construed as impassivity. As a Government, they had to be careful about what they said. Any suggestions from the members of the AICC would be most welcome, but, despite the urgent nature of the problem, it would be wrong to advise the Government to "draw the sword and march".

Pandit Nehru, who spoke for an hour, ended his speech at 4-30 p.m.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

NO.106

AMERICAN CONSULATE GENERAL

Madras 1, India, April 28, 1948.

UNCLASSIFIED

SUBJECT: Speech of the Premier of Hyderabad before the Hyderabad Assembly, and a Statement by the Leader of the Ittehad-ul-Muslimeen.

THE HONORABLE

SECRETARY OF STATE

WASHINGTON, D.C., 25.

DIVISION OF SOUTH ASIAN AFFAIRS
MAY 14 1948
Department of State

SIR:

I have the honor to report that, following the issuance of a firman by H.E.H. the Nizam of Hyderabad the premier of Hyderabad addressed the Hyderabad Legislative Assembly. A report of the speech was carried in this morning's issue of the Hindu, Madras English daily.

The Prime Minister prefaced his remarks by informing the Assembly that the Government had decided to withdraw all warrants against people residing outside the State. He said that this was being done in view of the release of most of the political detainees in Hyderabad and of the fact that the situation is reasonably under control. He stated that there was a place in the government for those sections of the community which were not now represented, and he appealed to all parties in the State to cooperate with the Government in accordance with the Nizam's firman.

Mr. Laik Ali opened his speech by reviewing the history of the Hyderabad situation since the transfer of power, and acknowledged Hyderabad's position of dependence on the Indian Union as regards defense, foreign relations and domestic economy. He pointed out, however, that while Hyderabad was always required to observe all the terms of the Standstill Agreement, India had remained indifferent to the fulfilment of her obligations under the agreement. He referred to the virtual stoppage of all supplies of every nature from coming into the State, and stated that complaints and counter-complaints simply built up ever larger files with no beneficial result. Utterance by public and private men in India over the radio, publicly, and in newspaper reports, appeared to make conflict inevitable. He admitted that there were outbursts by private individuals in Hyderabad. "But", he added, "can we not pause and ask ourselves what is it all for? The Indian Union appears to feel that Hyderabad must accede to it and if accession does not

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not come about there would be trouble. They do not like to think of Hyderabad in any other terms. If Hyderabad persists in thinking on different lines she is to be forced to accept lines on which India wishes her to think. Have we not the right to ask why we should be forced to think in terms specified by the Union if we can offer them our goodwill, friendship and co-operation in a different manner? And why, if we ask this simple question, should it be regarded as an unfriendly act? After all, what has the Indian Union, with all its might, resources and its great future to worry about if Hyderabad prefers to maintain an honorable position for itself?"

The Prime Minister went on to say that for about ten months, Hyderabad's borders had been ravaged by raiders, Communists "or others inspired from outside. Simple incidents have been exaggerated in a manner which cannot but create hatred and ill-will against Hyderabad". He decried the tendency on the part of Indian Union leaders always to talk and think in belicose terms, and warned that it is sure to lead to disaster. He pledged "our earnest endeavour" to maintain and promote peace, but said that if force were used, the country would face the situation with calmness and determination, "and leave the end in the hands of Providence." He stated his belief that an early and happy solution would lessen the communal tension in both Indian and Pakistan and minimize the effect of the tragedies in East and West Punjab. He concluded with an assurance to the Indian Union that every effort would be made to maintain law and order in the State and on its borders, that it was not Hyderabad's objective to enter into any alliance with outside powers directed against India, and appealed to the Indian Union to build up an "atmosphere of mutual confidence and friendship".

The pleading tones of Mr. Laik Ali for friendship and lessened tension were subject, however, to the jarring note of a statement attributed in today's Express to Mr. Syed Kasim Razvi, Leader of the Ittehad-ul-Muslimeen. Mr. Razvi referred to a speech made at the meeting of the All-India Congress Committee in which Mr. Nehru plainly stated that Hyderabad's choice was accession or war. The Ittehad leader said that if war came, it would "add another chapter to the history of the Indian Union's aggression and a chapter of martyrdom to the history of Hyderabad." He concluded his statement: "I wish to impress on Pandit Nehru and the people of the Indian Union that in Hyderabad the Government of His Majesty the Nizam will exist and for its existence every Muslim of Hyderabad is ready to shed his last drop of blood so that the Asaf Jahi dynasty may rule for ever."

Respectfully yours,

Robert P. Chalker
American Consul

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R.P.Chalker:SJ

Original and hectograph to Department
Copies to American Embassy, New Delhi and Consulates General
Calcutta and Bombay.

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

RESTRICTED

American Embassy

No.483

New Delhi, India, May 8, 1948

Subject: Address by Prime Minister of Hyderabad to Hyderabad Legislative Assembly on April 27, 1948.

DIVISION OF SOUTH ASIAN AFFAIRS
MAY 21 1948
Department of State

The Honorable
The Secretary of State,
Washington, D.C.

Sir:

I have the honor to transmit five copies of a free translation of an address delivered by Mir Laik Ali, the Prime Minister of Hyderabad, to the Hyderabad Legislative Assembly, on April 27, 1948. A large portion of the text of this address was printed in the Hindustan Times dated April 29 under the heading "Nizam Determined To Be Independent". The newspaper version followed the attached text very closely and obviously was in large part copied from it.

The address is divided into three parts. The first deals with relations between the Indian Union and Hyderabad, the second with internal political conditions in Hyderabad and the third with schemes for developing the economic strength of the State.

The first section states that Hyderabad recognizes that geographically and politically a close association with the Indian Union is necessary, particularly with regard to matters of defence, external affairs and communications. Hyderabad had attempted to build up a relationship with the Indian Union which would take full account of these factors and yet maintain the sovereignty of the Nizam and the integrity of the State. Such considerations had been the basis for the Standstill Agreement concluded toward the end of November last year. However apparently Hyderabad had been expected to observe all the terms of the agreement whereas the Indian Union did not do so. Arms and ammunition had not been supplied to Hyderabad as agreed, Hyderabad goods had been stopped at ports and restrictions had been placed on exports. From July 1947 onward Hyderabad had been suffering from an economic conflict which was bringing great hardships to the population. It was the earnest desire of the Hyderabad Government to promote peace and friendship to the last moment, but in spite of their efforts if force was used against them then there would be no recourse but to face it honorably with courage and determination to the best of their ability.

With regard to internal affairs the Prime Minister declared that there was now a strong and stable government in Hyderabad alive to its obligations, responsible to the Ruler and answerable to the people. There had been difficulties during the previous few months, but the administrative machinery of the State had been strengthened. Despite attempts from without the State borders to disrupt

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disrupt the internal administration, nevertheless the Government was now in full control. There was no hesitation in lifting the ban on the Communist organization, but the Government would deal firmly with persons of whatever cast, creed or ideology if they indulged in any lawless activities.

In order to develop the economy of the State they were proceeding with many large and small irrigation schemes, among them the Tungabadra project and the Godavari scheme. The erection of a thermol power plant at Rangundam was progressing satisfactorily. Two large reservoirs were being constructed on the Godavari River. The Hyderabad Gold company would start work in the next few months. Work on expansion of the Nizam Sugar Factory had begun, and it was expected that completion of this work would raise the production of sugar in the Dominions 2½ times. There had been considerable expansion in the work of the Public Health Department, primary education was progressing, and there had been considerable progress in the education of the depressed classes. Government salaries had been raised.

The Prime Minister concluded by saying that the progress of the constructive schemes which he had detailed had been slow due to the severe economic blockade established around the State and the political conflict in the country. He concluded by declaring that his state was passing through "these times of testing with resolute steps and unshaken purpose".

Respectfully yours,

Howard Donovan

Howard Donovan
Charge d'Affaires a.i.

Enclosures: att.

✓ 5 copies of a free translation of an address delivered by Mir Laik Ali, the Prime Minister of Hyderabad.

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To the Department in original and hectograph ✓

Copies to: American Consulate General, Madras
American Consulate General, Calcutta
American Consulate General, Bombay

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A FREE TRANSLATION OF THE

ADDRESS

delivered by

HIS EXCELLENCY MIR LAIK ALI
Prime Minister of Hyderabad

to

THE HYDERABAD LEGISLATIVE ASSEMBLY

on

April 27th, 1948

Enclosure ..... to
~~Report~~ ..... Despatch 483
Dated ..... May 8, 1948 .....
AMERICAN EMBASSY,
NEW DELHI, INDIA.

GOVERNMENT PRESS
HYDERABAD-DN.—1948

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MR. PRESIDENT AND MEMBERS OF THE LEGISLATIVE ASSEMBLY,

IT is little over a year ago that Sir Mirza Ismail, the then Prime Minister, had addressed you on the occasion of the opening of the new Legislative Assembly and I am addressing you now in the same capacity. You are well aware of the great events and changes which have since taken place both within and without our State. Inevitably the internal and external affairs of Hyderabad have been affected by these events, but it is a matter of thankfulness that, in spite of the many tempests that we have had to face, we have stood firm and have held on resolutely to our own traditions of which we have always been proud; and, God willing, we shall continue to hold on to them and hand them on to be followed by the generations that will come after us.

The withdrawal of the British left the erstwhile British India divided into the Dominions of India and Pakistan. The Indian States, under the new plan, were left free to choose between accession to either Dominion or to remain independent if they so wished. This division, as we all know, was made on a communal basis and it cannot now be denied that, despite good intentions, it has left the minority community in an unhappy and insecure position in the two Dominions.

Our August Sovereign, in accordance with the noble traditions of his dynasty, decided against becoming part of either Dominion so as not to hurt the feelings of either of the two principal communities living in this State. Nevertheless, situated as Hyderabad is, it is obvious that we should have close and intimate links with the Indian Union. Hyderabad is fully cognizant of the fact that both geographically and politically it has to be in close association with the Indian Union. It is also realised that Hyderabad, in matters of defence, external affairs and communications, has to have a close understanding with the surrounding country. We are also not unaware of the fact that our communications with the rest of the world are only possible through the territory of the Indian Union.

In regard to defence, we believe that if the position of India is made insecure by any external aggression, our position cannot remain unaffected, no matter how much we may choose to maintain an isolated and separate identity.

In these days foreign policy is an inseparable part of defence and common strategy and it, therefore, follows that in view of the obvious limitations in regard to our defence, we cannot formulate any separate policy in external affairs.

Our system of communications, in like manner, being linked in all directions with that of the Indian Union, must therefore, be co-ordinated closely with All-India communications.

These are the fundamentals which no one can ignore. With the full realization therefore of these facts, we have tried all along to build up a relationship with the Indian Union which would take full account of the factors enumerated above and yet keep intact the sovereignty of the Nizam and the integrity of the State and at the same time adequately to preserve our economic independence, our ancient traditions, our culture and our heritage. This being the nature of our sentiments and in view of our desire to remove all suspicion and to establish an atmosphere of friendliness, it is difficult to understand why we are not able to come to a friendly arrangement with the Indian Union even though our approach has always been not only amicable but understanding. In a spirit of good-will and for mutual benefit it should have been possible to conclude an agreement honourable and advantageous to both sides. Hyderabad could, and can yet, be of great help to the Indian Union as a willing ally, a progressive neighbour and a real friend at all times. It was with such considerations that a Standstill Agreement was concluded towards the end of November last for one year. It is, however, a pity that while on the one hand we were always expected to observe all the terms of the Agreement, which we did to the best of our ability, the Indian Union were not always punctilious in the fulfilment of their obligations. You are generally aware of the details. We were never supplied with arms and ammunition, our goods have been stopped at ports and restrictions have been placed on our exports. Complaints and counter-complaints have resulted only in building up voluminous files.

In short there has been a barrier between the Indian Union and ourselves ; that barrier has been that of suspicion. It is immaterial whether that suspicion is well-founded or ill-founded. The fact remains that there are strong suspicions which are dividing us and, owing to this suspicion, Hyderabad's actions, motives and objectives are unfortunately viewed in a wrong light. Hyderabad is at times referred to as an "unfriendly foreign territory." She is alleged to have aggressive designs against the Indian Union, is charged with plans of annexations of Union territory and is painted as a land of misery and communal strife. Over the Radio public speeches of officials and non-officials are all directed against Hyderabad in a manner that seems to make a conflict inevitable. I cannot deny the fact that there have, on various occasions, been outbursts of a similar character from private individuals from this side as well. But can we not pause and ask ourselves : "What is it all for ?"

The Indian Union appears to feel that Hyderabad must accede to it and that if accession does not come about, there would be trouble. They do not like to think of Hyderabad in any other terms. If Hyderabad persists in thinking on different lines she is to be forced to accept the lines on which the Indian Union wishes her to think. Have we not a right to ask why we should be forced to think only in terms specified by the Union if we can offer them our good-will, friendship, and co-operation in a different manner ? And why, if we ask this simple question, should it be regarded as an

unfriendly act ? After all, why should the Indian Union, with all its might, its resources and its great future, object if Hyderabad prefers to maintain an honourable position for itself.

From about July 1947 onwards, Hyderabad has been experiencing an economic blockade on account of which population is being made to suffer great hardships in securing even the dire necessities of life. Her borders have been turned into a hunting-ground for raiders—communists or others—inspired and assisted from outside. Simple incidents have been exaggerated in a manner that cannot but create hatred and ill-will against Hyderabad. The legitimate demands of the Government for the maintenance of peace and security have been refused and day after day its patience is being tried. I am afraid it is this attitude which has roused the feelings of the people ; it has created mistrust and ill-will between the communities. It is indeed a bad policy in my view to drive any set of people to desperation particularly when it is totally unnecessary. Must the Indian leaders always think in terms of using force against Hyderabad and, if so, for what purpose ? Must Hyderabad be driven to suspicion of aggressive designs from the Indian Union and can that apprehension not be allayed ? If we all keep on thinking and talking in bellicose terms, it is sure to lead to disaster and no one knows where it will end. It is dangerous to allow things to go so far. Once a conflagration is started it is not easy to control.

It will be our earnest endeavour to maintain and

promote peace and friendship to the last moment. But if in spite of all our efforts we are compelled and force is used against us and an unavoidable situation not of our seeking is created then there will be no course left for us other than to face it honourably with courage and determination to the best of our ability and leave the end in the hands of Providence. We may be weak and helpless but our cause is just and our faith in Almighty is unshakable.

I am one of those who believe that a happy settlement with Hyderabad in the very early stages would have had a very sobering effect upon inter-communal relations both in India and Pakistan; in fact, I believe, that its psychological reaction would have greatly minimised, if not altogether eliminated, the stark tragedy that was enacted in East and West Punjab. I still believe that the great tension throughout Southern India can be eased and we can all start on the road of mutual regard, peace and prosperity. Mahatma Gandhi, that noble soul and great sage, told me only the day before his tragic assassination that "'Shanti'" was more precious than anything else and advised me to work for peace at any price. I fully believe in that noble advice and shall spare no effort to follow that golden principle even though, unfortunately, some of the Mahatma's closest and most ardent followers might choose to talk of force, aggression and blockade. The world is passing through a great turmoil. China, the Arab countries, Russia, Europe and most countries of the American continent are in a state of grave uncertainty. Who knows where

the fire may start that would lead to a mass destruction of the human race. Both the people of India and Pakistan have already undergone great hardships and privations. In the face of these events a narrow-minded outlook or aggressive tendency could never be forgiven. I would like to assure the Indian Union that our efforts will be fully concentrated on maintaining law and order along the borders and we are ever ready to offer and seek co-operation. I would also make it clear that it is not our objective to enter into any alliance with outside powers directed against the Indian Union. I would once again appeal to the Union authorities to remove all suspicion and build up an atmosphere of mutual confidence and friendship.

I now turn to internal affairs.

Hyderabad, as we have always claimed, has inherited glorious traditions which have stood the test of time. We have been, and shall always be, progressive in our outlook. If we have not subscribed to certain slogans, if we have not met in full the exaggerated demands of a certain group, it would be unrealistic to brand us as undemocratic and reactionary. It is deplorable that a section of the people should think fit, in misguided heat, to carry out unthinkingly the dictates of outside organization regardless of the true interests of the country in which they live: that they should try to create those conditions in our own homeland which have caused untold misery and suffering in other places. That is certainly an unjustifiable step. I still hope that better sense will prevail. Our August Sovereign, who

is the fountain-head of all our political and cultural ideals, has generously given a great lead in the Firman-e-Mubarak issued last week. As a mature statesman he has taken all facts into account and outlined a process which should satisfy the legitimate aspirations of the various groups living in this beautiful land of ours. Let there be no hasty conclusions drawn from the wording of the Firman-e-Mubarak or its sense misinterpreted. Correctly understood and carefully carried out it will largely meet the demands of all the elements in public life. We can, in a peaceful manner, following the lines laid down by our Ruler, arrive at the cherished goal and shoulder the heavy responsibilities of government with harmony and good-will among all the communities. Any other course, I am afraid, will lead to discord and bitterness. Let not the tranquillity of our homes be disturbed by external dictates and outside considerations—let it not be forgotten that we owe a duty to our Beloved Sovereign and to our Motherland.

The Government proposes to act on the lines laid down by our Sovereign. Now is the time for all sections and communities living in this great land to get together and help to formulate a constitution which will fit in with the present day needs and fulfil the peoples' aspirations to the greatest extent possible without giving up our heritage and the noble traditions which we hold so dear. Let past differences be forgotten, let external influences be set aside and let us make the land we live in a happy and contented home for all her sons. Once again I say that the doors of Government are open

to those who do not have their due share in it at present. Let them not keep away because some has asked them to do so. I emphasise that the existing suspicions are unfounded ; and the assumption of the role of a hero or a martyr appears to me to be totally unnecessary. Let me dispel the doubts of some of my friends and tell them that there is a strong and stable Government in Hyderabad, alive to all its responsibilities and responsible to the Ruler and answerable to the people and not to any particular political party or person. Because a certain political section is not represented in the Government, it should not be concluded that there is no Government or that it owes allegiance to any one other than the Ruler. Government is functioning with the fullest responsibility and I am glad to say maintains a degree of efficiency which is in no way less than that in the surrounding areas. No doubt a few months ago the administrative machinery of the State was greatly strained owing to extraneous influences. There were raids ; there were internal differences. And, while the spirit of service existed among all ranks of Government servants, close collaboration and co-ordination were, to a certain extent, lacking. I am thankful to the Almighty that that is not the case now. The efficiency of the services has greatly improved. There is close collaboration among them all and a great spirit of loyal service is manifest in all ranks. The strain which they faced has helped to bring out the better and nobler instincts of selfless service inherent in most of them and so to get them together. I must express my great appreciation and satisfaction and my thanks

are due to every member of the service and to the public who have co-operated.

We are now therefore able to withdraw certain restrictions which the Government had perforce to impose. The situation all round being reasonably under control, I have had no hesitation in releasing most of such political prisoners as have not been actually connected with subversive and violent activities and in withdrawing the warrants against others who, I understand, have taken up residence outside the State. I have no hesitation also in lifting the ban on the Communist organization. But, let me make it abundantly and unambiguously clear, that while Government does not propose to place restrictions on the various political ideologies, it will, in no circumstances, permit any subversive or unlawful activities or any attempts to create discord and lawlessness. Instances of this nature will be severely dealt with. Government will zealously and firmly maintain law and order and will spare no persons, of whatever caste, creed or ideology, if they indulge in any lawless activities or endanger the peace and tranquillity of the country.

We are grateful to the Almighty for favourable crops during the past Kharif, Rabi, Abi and Tabi seasons which have improved our food situation considerably. It has been possible now for Government to abolish the levy on foodgrains after the collections for the Tabi and Rabi are over. I hope Nature will remain as bountiful to us in future. We are nevertheless proceeding

with many large and small irrigation schemes and are trying to intensify and improve agriculture. I must in particular mention the rapid progress on the Tungabhadra Project which is a joint undertaking between the Government of Madras and ourselves and the Godavari Scheme which the Government wishes to start early. Special attention is also being given to the development of the Nizamsagar Project. A Special Board has been set up for the purpose and a senior officer appointed to work as Commissioner in charge of the activities of all the departments that are connected with the Project. This would need even closer collaboration for its rapid development. I hope in another year Nizamsagar will be able to meet all our requirements in regard to rice and certain other foodgrains and will mark Hyderabad as a definite surplus area.

Sugar and wheat have been decontrolled and only the prices of rice, bajra and jawar are still controlled. On the advice of the Working Committee of the Central Food Advisory Council it has been decided to maintain a reserve of between fifteen and twenty lakh pallas of foodgrains to meet the requirements of deficit areas. The control on kerosene oil also had been lifted but, due to unsatisfactory results, it has had to be reimposed as a temporary measure. Permission to export surplus produce of groundnuts, castor seed, til, linseed, tuar and moong has been given.

With a view to increasing agricultural produce in the Dominions the Bandosara, Khasapura, Lankasagar,

Aidalwagu, Talwar and Kamli projects have been sanctioned. The appointment of staff to make detailed surveys and to undertake construction is being made. Sanction of Government has been obtained for estimates for repairing one hundred and sixty-nine tanks.

The provision of cheap electrical power was necessary for the industrial development of the Godavari Valley area. The erection of a thermal power plant at Ramgundam in Sultanabad Taluqa has progressed to a great extent in which, for the present, one 50,000 horse-power engine is being installed. Factories for the production of vegetable oils and subsidiary products, and light and heavy engineering and chemical fertilizers, will be established in the vicinity of the power plant and a large industrial town, to house the workers of these factories, which will be called Azamabad, is being established. A scheme has been drawn up for the construction of the town in which the requirements of the workers for a healthy atmosphere, good drinking water and other amenities have been given careful consideration.

Two large reservoirs are to be constructed on the Godavari river ; one of these will be thirty miles below Nander and the other two miles above Nirmal. From the latter reservoir two canals, one on each flank of the river, will be taken and will irrigate a total of 15 lakhs of acres in the Nizamabad, Karimnagar, Warangal and Adilabad districts. It will be possible, under this scheme, to generate 2.80 lakhs of hydro-electric power

and it will be connected to the thermal station. The total cost of the scheme is estimated at Rs. 50 crores. In the same way the establishment of a hydro-electric plant at Devnoor is under consideration to utilize the water of the Manjra river. Under this scheme two generating plants are to be erected which will produce a total of 36,000 horse-power hydro-electric power. The scheme will cost Rs. 3 crores.

We have progressed considerably in the industrial field also. Several new industries on a large scale have been established. The Hyderabad Gold Development Company will start its work in the next few months. The work of extension on the Nizam Sugar Factory has begun which, it is expected, will raise the production of sugar in the Dominions two and a half times. The production of tools and machinery is on the increase and the Praga Tools Corporation Limited is producing some of these for other industries. Government have given substantial monetary aid to relieve this industry of difficulties from lack of capital.

The greatest attention, in connection with Cottage Industries, is being given to the handloom weaving industry which supplies one-third of the total requirements of the Dominions. Twenty-two departmental centres have been established at various places to train weavers in better methods of weaving. The preliminary work on the Weights and Measures Act has been completed and, it is expected, that the passing of the Act will do away with all those evils which exist on account of the lack of uniformity in weights and measures.

Among new railway lines the Adilabad-Mudkhed line which will be of benefit to the forest areas, is worthy of mention. Work on this line had been suspended during the War but it has now been resumed. The line will extend beyond Himayatnagar and the section between Himayatnagar and Hadgaon will shortly be opened. To provide the transport requirements for the areas which will be irrigated by the Tungabhadra canals, the Railway Department has begun a survey with a view to linking up Munirabad with Raichur first and then Gadwal by a metre-gauge line. Work on that section of the railway which lies between Gangavati and Munirabad will be started in the very near future so that the materials for the construction of the Tungabhadra dam can be brought near the site.

There has been considerable expansion in the work of the Public Health Department. An Institute is being established to provide suitable trained staff for this department. The Bureau of Nutrition, the Bureau of Laboratories, the Bureau of Malariology and Field Training Centres will be placed under this Institute where provision will be made for refresher courses for Medical Officers and training given to Health Inspectors Health Sub-Inspectors, Health Visitors and Dais. Three sections of the Department of Public Health have been established to increase the efficiency of the department, that is, sections of Epidemiology, Child Welfare and Public Health Propaganda.

Side by side with the reorganization at the centre

great attention is also being paid to Public Health work in the districts. The Civil Surgeon of the district up till this time has discharged the duties of the Health Officer. Now there will be a full-time Health Officer for each district and a Divisional Health Officer for each suba.

The Compulsory Primary Education Regulation was sanctioned in 1355 Fasli and is now being put into effect. From Amardad 1356 Fasli, primary education for boys between the ages of 6 and 8 years has been made compulsory in the City of Hyderabad, Warangal, Gulbarga, Bidar and Mahbubnagar and in the four rural areas of Neknur, Bir District, Kustagi, Raichur District, Koyalkunda, Mahbubnagar District and Miryalguda, Nalgonda District.

There has been good progress made during the past year in the education of the Depressed Classes. There were one hundred and ninety-nine schools for the Depressed Classes at the end of 1356 Fasli in which education was being imparted to 10,593 students. The number of such schools is being increased to a large extent. Besides this a sum of Rs. 1.00 crore has been provided for the general economic uplift of the Depressed Classes.

This year marks the beginning of a new era in the history of the Osmania University. A revised charter for the University has been granted, according to which the University, like the universities of other progressive

countries, will have an independent status and the Council of the Osmania University will exercise all those powers which had been exercised hitherto by the Prime Minister and the Education Minister.

The Departments of Agriculture and Forestry are being reorganized. State Farms on a large scale will be established where agriculture will be carried out on modern lines. Special consideration has been given to the wide distribution of improved seeds, fertilizers, etc., to cultivators. In the same way special steps are being taken for afforestation, conservation of the soil and the preservation of moisture in the soil by bunding, etc.

An Ordinance has been promulgated to check bribery and corruption effectively. Some officers have been relieved of their offices under this Ordinance and this has had a good effect on the administration.

Government have raised the scale of salaries of the gazetted and non-gazetted employees, after serious consideration, having regard to the present economic conditions and the revenues of the State, although this increase cannot be said to be an adequate compensation for the untiring efforts and hard work which has characterised a large number of officers of most departments in these critical times but I am perfectly sure that that spirit of service can never be repaid in rupees, annas and pies. At the same time there may be exceptional cases where, under the general rules, legitimate rights may have been overlooked but, if such cases are brought

to notice, Government will not hesitate to give them the fullest consideration.

I am constrained to say that the progress of the constructive schemes detailed above has not been as rapid as it should have been. The reason for this is the severe economic blockade that has been established around us. The political conflict which is being created in our country also is responsible to a certain extent for this. But I thank the Almighty that we are passing through these times of testing with resolute steps and unshaken purpose. Perhaps this testing has been imposed upon us by Providence so that it may become the best means of creating in us the spirit of service. Therefore, instead of becoming despondent we should put our trust in God and raise our hopes and our ambitions to a yet higher point and look forward to a newer and happier life where our progress will be much more rapid.

Come that we may strew flowers
And fill the bowl with wine,
Rend the sky with joyous shouts
And start a new life.

I pray to God Almighty that He keep in His care for long this country and its inhabitants under the benign rule of His Exalted Highness and the Asaf Jahi Dynasty, and may He always be our Guardian and Protector.

INCOMING AIRGRAM

Miss Bohan

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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JUN 17 1948

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that the Governor-General did not wish to close the door completely which fact explains the aforementioned note. The delivery of this note, incidentally, gave Campbell-Johnson an opportunity to obtain some first hand information regarding conditions in Hyderabad.

GRADY

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Rec'd August 10, 1948
9:27 a.m.

DIVISION OF SOUTH ASIAN AFFAIRS
AUG 10 1948
Department of State

tion: NEA
O :

FROM: New Delhi

TO: Secretary of State

NO: 678, August 10, 9 a.m.

Legislative Assembly convened yesterday. Proceedings unimportant. Embassy will report regularly on important events during session.

DONOVAN

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FROM: American Embassy
New Delhi, India.

Date of
Mailing: August 18, 1948

Date Rec'd:
Aug 25, 1948 1:08 pm

DIVISION OF SOUTH ASIAN AFFAIRS
AUG 25 1948
Department of State

Secretary of State

Washington

A-473, August 16, 1948

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Reembtel 678, August 10, Summary of proceedings Indian Parliament follows:

The monsoon session (August-September) of Parliament opened Monday August 9. Ten Government-sponsored bills were introduced including one to bring the Reserve Bank of India under State ownership. During the question period discussion centered on such subjects as plans for a "Greater Delhi" to relieve housing needs, the Prime Minister's assertion that the U.N. Kashmir Commission had received no more facilities than were due to an international body of its kind, and Nehru's charge that units of the Pakistan Army were fighting in Jammu and Kashmir. The announcement of the proposed re-entry of the Hindu Mahasabha into politics was avidly discussed in informal lobby conversations. The Sydney Cotton episode, involving illegal flights from Karachi to Hyderabad was described at length by the Prime Minister in a written statement.

LIAISON OFFICE DC/R SEP 21 1948 DEPT OF STATE

On August 12 Deputy Prime Minister Patel presented the GOI White Paper on Hyderabad. He declared that the only solution of the Hyderabad problem was accession to the Indian Union and establishment of responsible government. The Government, he said, was prepared to meet all possible eventualities.

Discussion was devoted largely to a bill for nationalization of the production and distribution of electricity which had been taken up on Monday.

On August 11 a motion demanding measures to reduce prices of all necessities, especially food grains, foods and cloth provoked spirited, lengthy and acrimonious debate. Most of the day was spent discussing methods of controlling inflation. The Prime Minister promised measures during the session to deal with the problem.

August 12

UNCLASSIFIED

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845.00/8-1648

A-473, August 16, 1948
American Embassy,
New Delhi, India.

August 12 and 13 were devoted to discussion of a motion by the Finance Minister requesting funds for payment of pensions and defense capital outlay in connection with implementation of the Sterling Balances Agreement. The motion was finally passed after a number of vigorous attacks on the Agreement and repetition of old arguments and criticisms.

During the question period Patel revealed that two loans of one crore each had been made to the Jammu and Kashmir Government at an interest rate of 2-3/4% per annum.

DONOVAN

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AIRGRAM

DIVISION OF SOUTH ASIAN AFFAIRS
SEP 2 1948
Department of State

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FROM 175
Calcutta
Dated
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Secretary of State,

Washington.

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A-128, August 23, 1948.

Reference: nil

XR 845.011

According to an official notification of the Calcutta Gazette, the West Bengal legislative assembly will convene on September 6, 1948. It is announced that the main purpose of the session is to discuss the draft Constitution and to submit a report thereon to the president of the constituent assembly. The government plans also to introduce the following new legislation: the Secondary Education Bill the Dakineswar Kali Temple Bill, the Hindu Social Disabilities Removal Bill and the Estates (Separation of Land and Revenue) Bill. In addition it is proposed to replace by legislative enactments eight Ordinances now in effect. It is expected the session will last about three weeks.

DERRY

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E. A. Gilmore, Jr./sej

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SEP 16 1948

DEPARTMENT OF STATE

SEP 29 1948

DC/L
LIAISON OFFICE

UNCLASSIFIED

A-496, August 24, 1948
American Embassy,
New Delhi, India. - 2 -

On August 20 seven bills were passed. They were as follows:

1. Diplomatic and Consular Officers (Oaths and Fees) Bill.

2. Indian Merchant Shipping (Amendment) Bill.

3. Durgah Khawaja Saheb Bill (To terminate membership of persons who had migrated to Pakistan. This refers to control of the Muslim shrine at Ajmer.)

4. Bill to Make Special Provisions for Institution of Suits by Displaced Persons (To enable refugees from Pakistan to sue their debtors in India).

5. Coal Miners' Benefit Bill (To provide for framing a provident fund and bonus scheme for those employed in coal mines. This bill was described as the "first attempt anywhere in the world to institute a provident scheme for the benefit of casual workers".)

6. Indian Army (Amendment) Bill

7. Indian Telegraph (Amendment) Bill

During the course of the question period on August 18 the following statements were made by Ministers of the Government:

1. The Government has decided to establish a factory in India for constructing pre-fabricated houses. When in full operation the factory should turn out over 5,000 two-room houses per annum.

2. Of the Indian States, 523 levy no income tax.

3. Eight lakhs (800,000) Muslims from the surrounding Union provinces and States have fled into Hyderabad. Of these 10,400 are known to have joined the State Army and Police. The Government is gathering information on the number of Hindu refugees who have entered the Indian Union from Hyderabad. No figures are available yet, but the number of refugees is steadily increasing.

4. The Press Trust of India is negotiating with Reuters and the Associated Press of India to purchase their Indian business.

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DIVISION OF SOUTH ASIAN AFFAIRS
SEP 18 1948
DEPARTMENT OF STATE

Control 6104

Rec'd September 18, 1948
7 a.m.

FROM: Calcutta

TO: Secretary of State

NO: 229, September 18, 11 a.m.

PRIORITY

Enthusiastic demonstration occurred West Bengal Legislative Assembly yesterday evening upon announcement by Ksroy of capitulation Nizam. House adjourned after passing congratulatory resolutions to centre and armed forces editorial reaction universally one of great relief and self-congratulation; area commander General Lakhinder Singh commenting to CONGEN officer expressed opinion sudden collapse due failure Pakistan to come to Nizam's aid as expected. Said most significant consequence will be release some two divisions plus armor for "other purposes". Expects one battalion sufficient policing purposes. Other knowledgeable informants believe Nizam will not be deposed and may now obtain reasonably generous treatment.

DERRY

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NO. 447

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AMERICAN CONSULATE GENERAL

Calcutta, India, October 1, 1948.

SUBJECT: Autumn Meeting of the West Bengal Legislative Assembly.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that the autumn session of the West Bengal Legislative Assembly was convened on September 6, 1948, and although originally expected to continue until October 5, 1948 was prorogued on September 29, 1948. There have been a few by-elections in the interval since the Assembly was last in session, but the membership remains substantially unchanged as follows: Congress 50, former Muslim League 21, Anglo-Indian constituency 4, Indian Christians 1, Europeans 2, Communists 2, Independents 1, total 81. There are a total of 90 seats. Mr. Kiran Sanker ROY, Home Minister, and former leader of the Congress Party in East Bengal, stood for election on August 29 in the Maldah-West Dinajpur constituency and was returned by a vote of 30,433 as compared with his opponents, Mr. Nripati CHATTERJEE (R.S.P.I.) and Mr. Sarat BARMAN (Communist) who secured 3207 votes and 7813 votes respectively.

The Government was apprehensive over the possibility of hostile public demonstrations on the opening of the Assembly. Section 144 was promulgated for the area surrounding the Assembly grounds, and elaborate police precautions were taken. Since no demonstrations occurred, the extra guards were later withdrawn.

The main business of the session was to consider the draft constitution and to formulate recommendations to be forwarded to the Central Constituent Assembly. In addition the agenda contained about twenty proposed bills, a number of which had already been promulgated as ordinances and were submitted for ratification in accordance with the terms of the Government of India Act of 1935. A list of those passed by the Assembly is transmitted as an enclosure with this despatch.

Debate on the Draft Constitution was inaugurated on September 9 by the Premier, Dr. B. C. ROY, whose speech was confined to placing before the Assembly without recommendations various questions concerning the Constitution. Subsequent discussion was principally concerned with the following topics: wording of the preamble, i.e. whether the new government should be described as a "Sovereign Democratic Republic" or a "Sovereign Independent Republic", the alternate provisions for the selection of governors and premiers, the reservation of seats for the minorities, the requirements for Indian citizenship, the power of the central parliament to redefine provincial boundaries, the salaries of government servants, and

/Decentralization

decentralization of power.

The debate, while somewhat diffuse, indicated that the West Bengal Congress Assembly Party favors, a strong central government, opposes the continuation of dominion status, feels strongly that the Central Parliament should have unrestricted power to redefine provincial boundaries and that refugees from East Pakistan should be able to acquire citizenship with a minimum of formalities. The Muslim minority contributed little of a constructive character, but so far as could be judged, they desire a larger measure of provincial autonomy and a weak center.

At the close of the four day debate five resolutions, all proposed by Congress members, were adopted. These embodied the following recommendations:

1) State governors should be appointed as provided in Article 131 rather than elected.
2) The proviso of Article 3, which lays down the procedure for the formation of new States and for the alteration of the areas, boundaries, or names of existing States, should be omitted.
3) Any person born in the territory of undivided India should be empowered to acquire Indian citizenship upon a simple declaration of intent and one month's prior residence.
4) The powers to restrict interstate commerce granted in Article 244 should be limited to restrictions for the purpose of administration of provincial excise duties or for the purpose of controlling the price and distribution of commodities in the national interest.
5) The Constitution should provide that not less than 60% of the net proceeds of the income-tax, including the corporation tax and the tax on federal emoluments should go to the provinces, and that the proceeds of other taxes levied by the center should be more equitably distributed between the center and the provinces.

A resolution recommending that the Indian Union should be known as the "Union of Independent Republics of India" and providing for greatly increased provincial autonomy was defeated, as was also another resolution calling for the direct election of the President. An interesting division of opinion among the Muslim members occurred in connection with a proposal that separate electorates be abolished. This was strongly urged by Mr. Abdul HASHIM, a Muslim, but other Muslims were equally strong in opposing it. In reply to a taunt by Mr. A. R. SIDDIQUI that it made little difference whether there were joint or divided electorates since in any case the Muslims would be at the mercy of the majority, the Home Minister intervened to say that while the Congress favored joint electorates, it did not desire to influence the sentiment of the Assembly by weight of numbers, and would refrain from voting on the resolution. In the ensuing vote, in which only non-Congress members participated, the resolution was lost.

The leading Communist MLA, Mr. Jyoti BASU, distinguished himself, as in previous sessions, by opposing virtually every government-sponsored bill and by introducing a stream of denunciatory resolutions

/Concerning

concerning the draft constitution, all of which were, of course, defeated. The Muslim opposition occasionally supported him, but in general he and the other Communist member, Mr. Ratanlal BRAHMIN, stood alone.

Respectfully yours,

Charles H. Derry
American Consul General

Enclosure:
List of Bills passed by West Bengal Legislative Assembly, autumn session.

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EAGilmore, Jr./htr

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Division of South Asian Affairs.

Enclosure to Despatch no. 447 dated October 1, 1948, entitled "Autumn Meeting of the West Bengal Legislative Assembly" from the American Consulate General, Calcutta, India.

List of Bills Passed by the West Bengal Legislative Assembly, Autumn Session, September 6 - September 29, 1948

		Date Passed
1.	Calcutta Sheriff's Bill Designed to bring the Sheriff of Calcutta under the control of the Provincial Government.	Sept. 8
2.	West Bengal Maternity Benefit (Tea Estate) Bill Regulates the employment of women in factories and plantations for certain periods before and after child-birth and provides for the payment of maternity benefits.	Sept. 8
3.	West Bengal Undesirable Advertisements (Control) Bill Controls objectionable advertisements relating to contraceptives and to alleged cures for venereal diseases and sexual disorders.	Sept. 8
4.	Calcutta and Suburban Police (Amendment) Bill Bans the use of cycle-rickshaws and similar vehicles likely to endanger other vehicular traffic in Calcutta and its suburbs.	Sept. 8
5.	Calcutta Hackney Carriage (Amendment) Bill Regulates the use of hackney carriages for hire.	Sept. 8
6.	Non-Agricultural Tenancy (Temporary Provisions) Bill Provides for stay of proceedings for eviction of non-agricultural tenants in certain cases pending further legislation. Principally designed to protect so-called thika tenants in Calcutta and Howrah, recently subject to eviction.	Sept. 9
7.	Land Development and Planning Bill Empowers the Government to acquire land for the resettlement of refugees, for the improvement of the suburban areas of Calcutta, and for the establishment of model villages and agricultural colonies.	Sept. 20
8.	The Bengal Motor Spirit Sales Taxation (West Bengal Amendment) Bill, 1948 Empowers the provincial government to exempt from taxation under the Bengal Motor Spirit Sales Taxation Act, 1941, sales of petrol to Diplomatic and Consular Officers of such countries as may be specified by the provincial government.	Sept. 20
9.	The Excise (Amendment) Bill Empowers the provincial government to require private clubs, in addition to hotels and restaurants, to take out excise licenses. The purpose of the bill is to bring private clubs within the purview of the recently adopted dry-Saturday rule.	Sept. 20
10.	The Tanks Improvement (Amendment) Bill Introduces certain minor amendments in earlier legislation appropriating funds for a program of improving the village ponds or "tanks" throughout the province.	Sept. 20

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Enclosure to Despatch no. 447 dated October 1, 1948, entitled "Autumn Meeting of the West Bengal Legislative Assembly" from the American Consulate General, Calcutta, India.

11. Raw Jute Futures Bill — Sept. 21
    Ratifies executive ordinance of August 24, 1948 abolishing the raw jute futures market (see Calcutta's report No. 55 of August 31, 1948).

12. West Bengal Security (Amendment) Bill, 1948 — Sept. 21
    Ratifies executive ordinance of July 3, 1948 which corrected certain defects in the West Bengal Security Act, 1948 (see Calcutta's despatch no. 1918 of December 21, 1947) and also extends somewhat the present powers of arbitrary detention without trial.

13. West Bengal Hindu Social Disability Bill — Sept. 21
    Prohibits the various forms of discrimination commonly associated with untouchability.

14. The West Bengal District School Boards (Amendment) Bill, 1948 — Sept. 21

15. The 24-Parganas District Board (Dissolution) Ord. 1948 (W.B.Ord.No.III of 1948) — Sept. 21

16. The Calcutta Improvement (Amendment) Ord. 1948 (West Bengal Ord.No.IV) of 1948 — Sept. 21

17. The West Bengal Black Marketing Ordinance, 1948 (West Bengal Ord.No.VI of 1948) — Sept. 21

18. The West Bengal Cement Control Ordinance, 1948 (West Bengal Ord.No.IX of 1948) — Sept. 21

19. Premises Rent Control (Temporary Provisions) Bill — Sept. 23
    Provides heavier penalties for exacting premiums, or salami, in connection with rental contracts; establishes a scale of standard rents; strengthens the legal position of sub-tenants; and generally tightens the existing regulations.

20. The West Bengal Land-Revenue Rent and Cess (Apportionment) Bill, 1948 — Sept. 23

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AMERICAN EMBASSY

No. 1279

New Delhi, India, November 18, 1948

SUBJECT: Nehru's address to Constituent Assembly on November 8, 1948.

DEPARTMENT OF STATE
NOV 8 04
DS/R
THE SECRETARY

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON, D.C.

SIR:

I have the honor to report that on November 8 Prime Minister Nehru made his first public address since his return from the Prime Ministers' Conference in London in a long speech to the Constituent Assembly.

The address began with a discussion of India's relationship with the Commonwealth in the course of which Nehru averred that in all of his discussions on this subject he had affirmed that he could not commit the country or the Government of India, for the decision was essentially a matter which the Constituent Assembly alone could decide. Nehru declared that he had made it clear that India desired "to be associated in friendly relationship with other countries, with the United Kingdom and the Commonwealth." The manner of association would require careful consideration, and the ultimate decision would lie with the Constituent Assembly. The Embassy's telegram No.999 dated November 9, 1948 reported certain other information of interest with regard to the possible decision that the Government of India would make as to the nature of its association with the Commonwealth countries.

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With regard to the establishment of linguistic provinces, and the choice of a national language, Nehru advised the Assembly "not to import heat into the controversy". He declared that "it seems to me, and has long seemed inevitable, that in India some kind of reorganization should take place of provinces to fit in more with the cultural, geographical and economic conditions of the people and of their desires." "We have long been committed to this." He continued, however, that he "would not have felt this was a question of that primary importance which must be settled here and now and today." "It is eminently a question which should be settled in an atmosphere, cool and calm, and after rather scholarly discussion of the various factors of the case." He urged the House to consider these matters when it thought fit, but to think of them as things which should not be settled precipitately, "not when passions are roused but at a suitable moment when the time is ripe."

The Prime Minister said that the same argument applied to the question of the choice of a national language. He declared that "powerful forces" were already at work in the country which would lead to the substitution of the English language by an Indian language or languages in so far as different parts of the country were concerned and indicated that any attempt to "impose on a unwilling people" might lead to results quite opposite from the ends desired.

Nehru spoke of the advantage that his visit to London had given him

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him of being able to see India from a distance and thus to see it as a whole. He elucidated with some eloquence on India's position in the world and on its rising importance. He declared that India had grown in strength and in freedom and that "undoubtedly this growth of India, this emergence of India as a free country is one of the significant facts of this generation." He was glad to find that India's role in Asia and in the world would be a beneficent one. Nehru spoke of the responsibility which freedom brought, the freedom that had come to India by virtue of many things - of history, traditions, resources, geographical position and the great potentialities of the country - factors which led India inevitably to play an important part in world affairs. He asked the House to consider this great responsibility and to bear in mind that the "eyes of the world" were upon India and the hopes and aspirations of a great part of the world were also upon her.

During the course of his address the Prime Minister deprecated certain separatist tendencies on the part of some minority communities in the country which had as their objective the extension of special privileges. He declared that the Objectives Resolution had laid down safeguards for these minorities, and that they should not try to create further barriers and also to retain all of the existing barriers which separated them from the country as a whole.

Attached are five clippings of press reports of the address which appeared in the Hindustan Times on November 9.

Respectfully yours,

Howard Donovan
Charge d'Affaires ad interim

Enclosure: 1 with orig

Five copies of press reports of the address which appeared in the Hindustan Times on November 9.

800
Henry T.Smith:jby

To the Department in original and hectograph.

Copies to: American Embassy, London

Enclosure to CONFIDENTIAL Despatch No. 1279 dated November 18, 1948, from Howard Donovan, Charge d'Affaires a.i., American Embassy, New Delhi, India, entitled: "Nehru's Address to Constituent Assembly on November 8, 1948".

HINDUSTAN TIMES November 9, 1948

INDIA DESTINED TO PLAY GREAT PART IN WORLD AFFAIRS

NEHRU'S ADDRESS TO CONSTITUENT ASSEMBLY

FUTURE RELATIONSHIP WITH U.K.: REFERENCE TO LONDON TALKS

The Prime Minister, Pandit Jawaharlal Nehru, speaking in the Constituent Assembly yesterday referred to his London talks, with particular reference to India's relationship with the Commonwealth.

Pandit Nehru said that in all his discussions on this matter he had maintained that he could not commit the country or even the Government which he represented. "This was," he said, "essentially a matter which the Constituent Assembly alone could decide (cheers). That I made perfectly clear.

"Having made that clear, I pointed to the Objectives Resolution which the Assembly had passed. I said it was open, of course, to the Assembly to vary that resolution as it can vary any other resolution, because it is sovereign in this as in other matters.

"Nevertheless, that was the direction which the Constituent Assembly gave to itself and to its Drafting Committee. So long as it remains as it is, and so far as I know it would remain as it is, that constitution would be in terms of that Objectives Resolution."

"Having made that clear," Pandit Nehru continued, "I said that it has been often stated on our behalf that we desire to be associated in friendly relationship with other countries, with the United Kingdom and the Commonwealth. How in this context it can be done or it should be done is a matter for careful consideration and the ultimate decision lies naturally on our part—that is, on the Constituent Assembly—and on their part, on their respective Governments and peoples. That is all I wish to say on this matter at this stage because possibly in the course of the session this matter will come up before the House in a more concrete form."

The Prime Minister emphasized that in whatever form it came up, the point he would stress was that it was something apart from, and in a sense independent of, the constitution that they were considering. "We pass that constitution," he said, "for an independent sovereign democratic India, or a republic as we choose, and the second question has to be considered separately at whatever time it suits the House. It does not in any sense affect the constitution of ours or limit it because this constitution coming from the people of India through their representatives, represents their will in regard to the future governance of this country."

Linguistic Provinces

Earlier, Pandit Nehru referred to such questions as the formation of linguistic provinces and national language and advised the Assembly not to import heat into the controversy. On the question of linguistic provinces, he said: "It seems to me, and has long seemed inevitable, that in India some kind of reorganization should take place of provinces to fit in more with the cultural, geographical and economic conditions of the people and of their desires. We have long been committed to this.

"I do not think it is quite enough to say linguistic provinces. That is a major factor to be considered, no doubt, but there are other and more important factors sometimes to be considered. You have to consider the whole picture before you proceed to break up what we have got and refashion it anew. But what I would like to place before the House is—important from the point of view of our future life and governance as this question is—that I would not have thought this was a question of

that primary importance which must be settled here and now and today. It is eminently a question which should be settled in an atmosphere, cool and calm, and after rather scholarly discussion of the various factors of the case."

Pandit Nehru added: "I find unfortunately it raises considerable degree of heat and passion. When heat and passion are there the mind is clouded. Therefore, I would beg this House to take this matter certainly into consideration when it thinks fit but to think of it as a thing which should be settled not in a hurry, not when passions are roused but at a suitable moment when the time is ripe."

The Prime Minister said that the same argument applied to the question of national language as well. It is obvious that a country, much more so a free and independent country, must function in its own language. Unfortunately, however, the very fact that he himself and many other members had to address in a foreign language itself showed that there was something lacking. Let us recognize it, but in trying to press for a change and immediate change they should not get wrapped up in numerous controversies and possibly even delay the passing of the whole constitution.

"Language is and has been a vital factor in an individual's and nation's life. Because it is vital, we have to give it further thought and consideration. Because it is vital, it is also an urgent matter. And, at the same time, it is also a matter in which urgency may ill serve our purpose. There is a slight contradiction in this, because if we proceed in an urgent matter to impose something, may be by majority, on an unwilling minority in parts of the country or even in this House, we do not really succeed in what we have started to achieve.

"Powerful forces are at work in the country which will lead to the substitution of the English language by an Indian language or Indian languages in so far as different parts of the country are concerned. Any attempt to impose on an unwilling people has usually met with the strongest opposition and has actually resulted in something the very reverse of what the promoters wanted."

Last Lap Of Journey

The Prime Minister, who intervened in the course of the debate on the Draft Constitution, reminded the House that they were on the last lap of their long journey. Nearly two years ago, they had met in this hall and on that solemn occasion it was his high privilege to move the Objectives Resolution. That resolution embodied something more than mere objectives. It embodied the spirit that lay behind the Indian people. It was difficult to maintain the spirit of a nation or people at a high level all the time.

Nevertheless, he hoped that it was in that spirit they had approached the framing of the constitution. It was in that spirit that they should consider it in detail, always using the Objectives Resolution as a yard measure with which to test every clause and phrase. It might be, of course, that they could improve on that resolution. If so, they would certainly do it. However, that resolution laid down the fundamental and basic contents of what the constitution should be.

A constitution was after all some kind of legal body given to the ways of governance and of the life of the people. "A constitution, if it was out of touch with people's life and aims and aspirations, becomes rather empty. If it fell behind these aims, it drags the people down. It should be something ahead to keep the people's minds and eyes up to a high mark. I think the Objectives Resolution does that."

Pandit Nehru went on to say that inevitably since the resolution was passed in the course of numerous discussions, passions were raised about what he considered were relatively unimportant matters in the large context of giving shape to the nation's aspirations and will. Not that they were unimportant but there was a question of priority and relative importance. There was also the question of what came first and what came second. If they were to put second things first, then inevitably the first and most important thing suffered a certain eclipse.

India To Western Eyes

He said his intervention in the debate was not with a view to commending or criticizing the clauses but to place certain fundamental factors before them. He did so because in recent weeks he had been beyond the shores of India and visited foreign lands, met eminent people and statesmen of other countries and had the advantage of looking at this beloved country of ours from a distance that was an advantage. It was true that those who looked at things from a distance did not see many things that existed in this country, but it was equally true that those who lived in the country and were surrounded all the time with numerous difficulties and problems, sometimes failed to see the picture as a whole.

They had to do both—to see the problems in their intricate detail and also to see them in some perspective so that they might have that picture before them. This became even more important during a period of swift transition.

Pandit Nehru said, "We who have lived through this period of swift transition of trials, glories and sorrows and bitterness are affected by all these changes. We change ourselves and do not notice ourselves changing. And it is a little helpful to be out of this turmoil for a while and look at it from a distance, to some extent, with the eyes of other people. I have had that opportunity given to me and I am glad of that opportunity because for the moment I was rid of the tremendous burden of responsibility which all of us carried and which in a measure those who have to carry the burden of the Government carry more. For a moment I was rid of that immediate responsibility.

"I saw from that distance the rising star of India far above the horizon and casting its soothing light, in spite of all that has happened, over many countries of the world who looked upon it with hope and considered that out of this new Free India would come various forces which would help the world, somewhat to right itself, and which would co-operate with other similar forces elsewhere, because the world is in a bad way. We consider this great continent of Asia and the rest of the world is in a bad way and that it is faced with problems which almost appear to be insurmountable, and sometimes one has the feeling that we are all actors in some terrible Greek tragedy which was moving on to its inevitable 'denouement' of disaster.

"Yet, when I looked at this picture from afar and from here, I had a feeling of hope and optimism, not merely because of India but also because of other things that I saw, that the tragedy which seemed inevitable was not necessarily inevitable, that there were many other forces at work, and that there were innumerable men and women of goodwill in the world who wanted to avoid disaster and tragedy, and there was certainly the possibility that they would succeed in avoiding it."

The Prime Minister continued: "To come back to India, ever since I moved the Objectives Resolution a year and eleven months ago: We have passed through strange transitions and changes. We function here far more independently than we did at that time. We function as a sovereign independent nation but we have also gone through a great deal of sorrow and bitterness during this period and all of us have been powerfully affected by it. The country for which we are going to frame this constitution was partitioned and split into two, and what happened afterwards is fresh in our minds and will remain fresh with all of us here for a very long time to come.

"Yet, in spite of all these, India has grown in strength, and in freedom and undoubtedly this growth of India, this emergence of India as a free country is one of the significant facts of this generation; significant for us and for the vast numbers of our brothers and sisters who live in this country, significant for Asia and significant for the world. The world is beginning to realize it, and I am glad to find that India's role in Asia and in the world will be a beneficent role.

"Sometimes it may be that there would be a measure of apprehension because India may take some part which some people and countries with their interest may not particularly like. But the main thing is that this great significant factor has occurred, that India after a long period of domination has emerged as a free, sovereign, democratic, independent country, and that is a fact which changes and is changing history. How far it will change history will depend upon us in this House, in the present, and on other Houses in the future which will come into existence to represent the organized will of the Indian people. This is a tremendous responsibility."

"Freedom," Pandit Nehru said, "brings responsibility. There is no such thing as freedom without responsibility. Irresponsibility itself means lack of freedom. Therefore, we have to be conscious of this tremendous responsibility which freedom has brought and discipline ourselves. But there is something more than that. This freedom that has come to India by virtue of many things—of history, traditions, our resources, geographical position and our great potentialities—leads India inevitably to play an important part in world affairs.

"It is not a question of our choosing this or that. It is the inevitable consequence of what India has and what Free India must be. Now, because we have to play that inevitable part in the world affairs that brings us another and greater responsibility, and sometimes with all my hope and optimism and confidence in my nation, I rather quake at this great responsibility that is being thrust upon us and which we cannot escape. If we are tied up in our narrow controversies, we might forget it but whether we forget it or not that responsibility is ours."

Pandit Nehru asked the House to consider this great responsibility that had been thrust upon India, because they represented India in this as in many other spheres of work, whether in the framing of the constitution or otherwise, always keeping in view the fact that the eyes of the world were upon India and the hopes and aspirations of a great part of the world were also upon her.

"We dare not be little. If we do so, we not only do ill-service to this country of ours but also to the hopes and aspirations that surround us at the moment from other countries. It is in this way that I would like the House to consider this constitution. First of all to keep that Objectives Resolution before us, to see how far we come up to it. How far we are building up the independent sovereign republic."

Pandit Nehru read relevant extracts from the Objectives Resolution and impressed on them that it cast upon the House a great responsibility to see "that this ancient land attains its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and welfare of mankind." In this light, the Prime Minister said, the House should consider the various controversial issues. There were bound to be controversies and there should be controversies, because India was a living and a vital nation. It was right that people should think differently and it was also right that they thought differently and argued differently. But when they came to decisions they should act unitedly in furtherance of those decisions.

Close Down Controversies

In this connection Pandit Nehru referred to the two controversies, namely, the formation of linguistic provinces and the national language. While he agreed these were important problems to be solved, they should be taken up for solution at the proper time. On the question of language, he said, there should be no imposition. The surest way to develop a natural all-India language was not so much by passing resolutions and laws on the subject but to work to that end.

For his part he had a certain conception of what the all-India language should be. Other people's conception might not be the same. But he would much rather avoid trying to impose his conception and work to that end in cooperation and amity. After the major issues in the constitution had been settled, after they had attained a greater measure of stability, they could take up each one of these issues separately and dispose them of in a much better atmosphere.

Pandit Nehru again referred to the Objectives Resolution and recalled his earlier speech on that occasion when he said that that resolution had laid down that India should be an independent sovereign republic. The question of India being a republic was entirely a matter for her to determine. It had nothing or little to do with what her relations should be with other countries, notably the United Kingdom or the Commonwealth which used to be called "the British Commonwealth of Nations." That was a question which had to be determined by this House and by none other, independently of what the constitution was going to be.

London Visit

During his recent visit to London this subject came up for private discussion many times. There was no public discussion on this issue because the Commonwealth Conference did not consider this question. But inevitably there were private discussions because it was a matter of high moment not only for India but for other countries as to what, if any, relations we should have, what contacts or links we should bear to these other countries.

The first thing he had told them in all these discussions was that he could not as an individual commit the country or even the Government, even though he had been honoured by the high office of Prime Ministership. He could not in any way or in any sense commit the country or the Government which he represented and emphasized that it was for the Constituent Assembly to decide.

Great Role For India

Finally the Prime Minister reiterated India's role in world affairs and said that destiny had cast a certain role on India. "Whether any one of us present here can be called 'a man or a woman of destiny' I do not know. It is a big word. It is not applied to the normal human being. But whether we are men of destiny or not, India is a country of destiny and in so far as we represent this great country, that great destiny stretches out in front of us and we also have to function as men and women of destiny.

"We must view all our problems in that long perspective of destiny of the world and of Asia, never forgetting the great responsibility that freedom, this great destiny of our country, has cast upon us, not losing ourselves either in petty controversies and debates which may be fruitful but which will, I think, in this context, be either out of place or out of tune, because again vast numbers of minds and eyes look at this direction. We have to remember them. Hundreds of millions of our own people and others look to us.

"Remember this that while we want this constitution to be as solid and permanent as we can make, nevertheless, there is no permanence in constitutions. There should be certain flexibility. If you make anything rigid and permanent, you stop the nation's growth, the growth of a living, vital, organic people. Therefore, when we pass this constitution, I think, it is proposed to lay down a period of years during which changes to that constitution can be easily made without any difficult process.

Amending The Constitution

"It is a very necessary provision for a number of reasons. While we who are assembled here undoubtedly represent the people of India, nevertheless, it can be said quite truthfully that when a real House is elected in terms of this constitution and every adult has a right to vote, the House that emerges then will certainly be fully representative of every section of the Indian people and it is right that that House should have an easy opportunity to make such changes as it wants to."

"In any event," Pandit Nehru said, "we should not make the constitution, such as in some other great countries, so rigid that it cannot be adapted to changing conditions. Today when the world is in turmoil and we are passing through a very swift period of transition what we may do today may not be wholly applicable tomorrow."

The Prime Minister deprecated certain separatist tendencies in the country for the retention of privileges. The Objectives Resolution had laid down safeguards for minorities. That must be done because it was the duty of the majority to see that the minority which might have suspicions and fears was won over. It was right and important that they should raise the level of the backward groups and bring them up to the level of the rest. But it was not right that in trying to do this they should create further barriers and retain all the existing barriers.

No Regimented Unity

Pandit Nehru said that they were not seeking to impose some kind of regimented unity. In this great country ways of living differed in various parts and in spite of the variety there was fundamental unity. While it was their bounden duty to do everything they could to give full opportunity to every minority or groups or tribes to rise over their backwardness, it would not be right to go the way the country had gone in the past by creating barriers. It kept the groups in isolation and prevented them from getting closer to other groups. He hoped the House would remember what he had submitted in considering the various clauses of the Draft.

The Prime Minister was warmly cheered at the conclusion of his speech. —A.P.I.

INCOMING AIRGRAM

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DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

DIVISION OF SOUTH ASIAN AFFAIRS
DEC 15 1948
Department of State

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FROM: American Embassy,
New Delhi, India

DATED AIRGRAM: December 7, 1948

REC'D: Dec. 14, 1948 1:01 p.m.

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TO: Secretary of State,
Washington

A-817 December 3, 1948.

The All-Hyderabad Congress Committee resumed its session in Hyderabad on December 1. Swami Ramanand Tirtha, leader of the Congress Party in Hyderabad, ruled out a Socialist-sponsored amendment to the State Congress draft seeking to incorporate dismemberment of the state and the deposition of the Nizam.

The Government of India has steadfastly opposed the agitation for the dismemberment of Hyderabad and the deposition of the Nizam. The Hyderabad State Congress Committee, in ruling out this Socialist amendment, was merely following the orders of Sardar Patel and the States Ministry. 105 members of the Committee, including debarred members, suspended members, and members who had walked out of the November 30th session, have passed a resolution deploring the "arbitrary, unconstitutional and undemocratic attitude which the Working Committee and its President, Swami Ramanand Tirtha have been adopting for some time past in the conduct of the affairs of the Hyderabad State Congress".

The foregoing resolution was brought about by Swami Ramanand Tirtha's attitude towards members of the Congress who had not actively participated in the opposition to the Nizam's government. Those Congress members in Hyderabad who went to jail, or suffered at the hands of the authorities will of course be the dominating factor in any Congress Party government in Hyderabad.

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CC: American Consulates General,
Bombay, Madras
American Embassies,
London, Karachi

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

New Delhi 5, India, December 14, 1948.

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UNCLASSIFIED

No. 1349

SUBJECT: Draft Resolutions of Congress Working Committee.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C.

SIR:

I have the honor to report that on December 12 the Congress Working Committee at a meeting in New Delhi adopted a number of resolutions for presentation at the Jaipur session of the Congress which is scheduled to convene within a few days. These resolutions are significant in that they present a clear statement of the Congress' current objectives. There are attached five copies of that portion of the report in the Hindustan Times on December 13, which gives the texts of the resolutions.

The first draft resolution is a tribute to Mahatma Gandhi for his part in helping attain the Nation's freedom. Special reference is made to Gandhi's teaching that service should be directed toward promoting unity and goodwill between all the people of India, abolishing class distinctions and those based on birth or caste or religion, and working for a classless democratic society in a peaceful manner.

The resolution on foreign policy states that India's liberation is viewed as a part of the larger freedom of all the countries and peoples of the world. The Congress in the past had stood for the ending of all imperialist domination and colonial exploitation and had opposed tendencies which suppressed the human spirit. The foreign policy of India must of necessity be based on the principles which have guided the Congress in past years, that is, the problems of world peace, freedom of nations, racial equality and the ending

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the ending of imperialism and colonialism. The Congress declares its full adherence to the principles underlying the Charter of the United Nations. The maintenance of friendly and cooperative relations with all nations by the avoidance of entanglement in military or similar alliances is provided for.

With regard to its relations to the Commonwealth the draft resolution states as follows: "In view of the attainment of complete independence ..... her (India's) present association with the United Kingdom and the Commonwealth of Nations will necessarily have to change. India, however, desires to maintain all such links with other countries as do not come in the way of her freedom of action and independence, and the Congress would welcome a free association with independent nations of the Commonwealth for their common weal and the promotion of world peace".

In the draft resolution regarding the refugees it is stated that the Congress extends its heartfelt sympathy to all the refugees, who have suffered untold misery, and states that while appreciating the work that the Central and Provincial Governments have done, the Congress trusts that every effort will be made both by the Government and the people to expedite further relief work.

The draft resolution on labor states that the National Congress always has stood for the rights of the working class and against exploitation, has striven for social justice for the worker, and now that independence has been achieved, the Congress calls upon its members and its constituent bodies to take a more active interest in the labor field. It expresses appreciation for the labor legislation already undertaken by the Central and Provincial Governments and calls upon the Provincial Governments to pursue with vigour and speed the implementation of the program for improving the lot of agricultural labor already initiated by the Central Government through the Manual Wages Act. The resolution also appeals to the workers not to be swayed by destructive ideologies leading to greater strife, chaos and discord. The resolution

emphasizes

emphasizes that uninterrupted and expanding production is a vital and indispensable pre-condition for meeting the present hardships of the people and for raising the standard of living of the workers.

The long draft resolution on communalism reiterates and emphasizes the Congress' opposition to communalism and separatism and reiterates its desire to establish the spirit of tolerance as the basis of life and culture in India.

The resolution on Indians in South Africa states that the Congress has noted with deep regret the continual policy of the Government of the Union of South Africa in treating the Indians in disregard of human rights and the principles laid down in the Charter of the United Nations.

With regard to foreign possessions in India another resolution states that it has become necessary for these possessions to be politically incorporated in India and that no other solution can be stable or lasting or is in conformity with the welfare of the people.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

Enclosures: all

Five copies of a report from Hindustan Times, December 13, 1948. not only

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HTSmith:pkn

Original and hectograph to Department.

Copy to: Embassy, London

L.B.B.

A microfilm project of

Enclosure to despatch no. 1349 dated December 14, 1948 from Loy W. Henderson, American Ambassador, American Embassy, New Delhi, India, entitled: "Draft Resolutions of Congress Working Committee".

HINDUSTAN TIMES December 13, 1948.

The following is the text of the resolutions:

During its long history of struggle for India's freedom. carried from generation to generation, the Congress experienced both sorrow and fulfilment and many triumphs and defeats. But under the superb leadership of the Father of the Nation, sorrow was made to chasten and purify the people, and every defeat was turned into an incentive for redoubled effort and a prelude to victory.

Two years ago, the Congress met in Meerut city at a time of trial and difficulty, and again, under the inspiration of Gandhiji, gave a lead to the nation. These two years have brought fulfilment in a measure and the independence, for which generations had struggled and suffered, has been achieved. But the cost of that achievement has been heavy indeed, for, the Motherland has been cut in two and following that ill-fated partition, madness descended upon the people and all the great ideals for which the Congress stood seemed for a moment to be eclipsed. That darkness was illumined by the heartening message of Gandhiji and innumerable sorrowing hearts drew strength and solace from it.

Then came the greatest blow of all. the assassination of him who was the embodiment of love and the gentle and unconquerable spirit of India.

Thus the very achievement for which the Congress had laboured and which was a culmination of long struggle, brought no glow of freedom, but sorrow and dismay.

In reverent memory of Gandhiji and in homage to his teaching, the country faced these terrible crises, the greatest of which was the crisis of the spirit which had clouded India's mind, and made her forget for a while the great lesson which the Master had taught.

Thus Congress, meeting 16 months after the attainment of independence, and nearly 11 months after the passing of him who fashioned it and gave it life, pays its homage to that great spirit and to his great message, and resolves to continue the service of the people of India and humanity in the light of that life-giving message.

Social And Economic Freedom

Political freedom having been attained through non-violent action under the leadership of Gandhiji, the National Congress had now to labour for the attainment of social and economic freedom so that progress and equal opportunity may come to all the people of India without any distinction of race or religion. This task requires a now and positive approach and a dedication to the service of the Motherland in a constructive spirit.

The people of India have achieved independence, but to enjoy its fruits they must discharge their responsibilities and obligations. Congressmen must remember that it has been and should continue to be their highest privilege to serve the people and to shoulder these responsibilities and obligations, and those who hanker after office or power, forgetting their obligations, do an ill-service to the country.

It was the particular teaching of Gandhiji that service should be directed more specially towards promoting unity and goodwill between all the people of India, abolishing class distinctions and those based on birth or caste or religion, and working for a classless democratic society in a peaceful manner. Above all, the lesson he taught was the adherence, at all costs and in all circumstances, to the moral values which give meaning to life.

This Congress urges all Congressmen with all earnestness to face the difficulties and crises of today, both national and international, in the light of that message so that India may grow in freedom and moral stature, and the great objectives for which this Congress was founded may be fulfilled.

Foreign Policy

Following is the text of the resolution on foreign policy:

The National Congress has, even while it was struggling for the freedom of India, associated itself with progressive movements and struggles for freedom in other countries. India's liberation was viewed as a part of the larger freedom of all the countries and peoples of the world. In particular, the Congress has stood in the past for the ending of all imperialist domination and colonial exploitation of any country or people, and has opposed Fascism and all other tendencies which suppress the human spirit.

The achievement of independence brought new responsibilities to India in international affairs and it became necessary to develop direct and closer contacts with other nations **The Congress welcomes these contacts** and trusts that they will lead to mutual understanding and co-operation and the promotion of world peace.

The foreign policy of India must necessarily be based on the principles that have guided the Congress in past years. These principles are the promotion of world peace, the freedom of the nations, racial equality, and the ending of imperialism and colonialism. In particular the Congress is interested in the freedom of the nations and peoples of Asia and Africa, who have suffered under various forms of colonialism for many generations.

A microfilm project

United Nations

With a view to advancing the cause of world peace and co-operation, India associated herself with the United Nations. This Congress declares its full adherence to the principles underlying the charter of the United Nations.

It should be the constant aim of the foreign policy of India to maintain friendly and co-operative relations with all nations and to avoid entanglement in military or similar alliances which tend to divide up the world in rival groups and thus endanger world peace. Maintaining her freedom of action in foreign affairs and in the economic development of the country, India should continue to function as a member State of the United Nations, co-operating with other States in the maintenance of peace and freedom.

Commonwealth Relations

In view of the attainment of complete independence and the establishment of the Republic of India, which will symbolize that independence and give to India the status among the nations of the world that is her rightful due, her present association with the United Kingdom and the Commonwealth of Nations will necessarily have to change. India, however, desires to maintain all such links with other countries as do not come in the way of her freedom of action and independence, and the Congress would welcome her free association with independent nations of the Commonwealth for their common weal and the promotion of world peace.

India is especially concerned with her neighbour countries of Asia, and the Congress trusts that closer bonds of fellowship and co-operative effort for the maintenance of the freedom of Asian nations and their Progress will be developed.

Refugee Relief

Following is the resolution on sufferers from the partition :

"This Congress records its deep sorrow at the death, by internecine conflict, of a vast number of the people of this country, belonging to every religion, during the disturbances that preceded and followed the partition. The Congress extends its heartfelt sympathy to all their relatives and to all the refugees who have suffered untold misery and lost all they possessed, and borne their sufferings with fortitude.

While appreciating the work that the Central and provincial Governments have done to give relief to and rehabilitate these refugees, the Congress trusts that every effort will be made, both by Government and the people, to expedite this work, and more particularly that children and young people will be specially cared for and given opportunities of education and development.

Approach To Labour

Following is the text of the draft resolution on labour.

The National Congress has always stood for the rights of the working class and for ending exploitation in every shape or form. Even while engaged in a life and death struggle to achieve the freedom of the country, it never lost sight of its essential duty of protecting and advancing the vital interests of the worker, either in the field or the factory. Mahatma Gandhi's successful intervention in the Ahmedabad textile labour dispute in 1918 ushered a new era in the peaceful settlement of industrial disputes between organized labour and capital. Congress committees as well as individual Congressmen have worked ceaselessly in the service of the working class, and have held aloft the ideal of securing social justice to the worker. The growth and development of trade unionism in this country owes much to the active sympathy, support and guidance of leading Congressmen and the Congress organization.

With the achievement of independence, the task of more direct and active participation in the programme of ameliorating the condition of the working class devolves more squarely on this great national organization. Believing that political freedom is the fountain-head of all other freedoms, social and economic, the Congress concentrated the bulk of its energies on the elimination of imperialistic exploitation. Now that independence has been achieved the Congress calls upon its members and its constituent bodies to take more active interest in the labour field to strengthen their link with the workers in fields and factories and to promote just relations between labour and management.

This Congress appreciates the progressive policy of labour legislation undertaken by the Central and provincial Governments laying the foundations of social security and adopting other measures calculated to safeguard and promote the interests of industrial labour. It calls upon the provincial Governments to pursue with vigour and complete within the shortest possible time the programme of improving the lot of the agricultural labour already initiated by the Central Government through the Manual Wages Act.

Appeal To Workers

The Congress is aware of and fully sympathizes with the difficulties and hardships of the workers due to various causes, and yet appeals to them to take a realistic and responsible view of the critical situation through which the country is passing and not to be swayed by destructive ideologies leading to greater strife, chaos and discord.

The Congress further warns them against the organized attempts to exploit the working classes for narrow political ends in utter disregard of the vital needs and basic interests of the country.

While appreciating the timely move of the Central Government to establish industrial truce, this Congress asks both capital and labour to work whole-heartedly on the maintenance of peace and good relations in industry. This Congress is of the opinion that uninterrupted and expanding production is a vital and indispensable pre-condition for relieving the present hardships of the people and for raising the standard of living of the workers. Any slowing down or suspension of work for even a short period in industry or transport anywhere in the country would greatly hamper recovery and add to the already heavy burden of miseries of the people and prove exceedingly detrimental to the interests of the workers themselves.

Incentives For Production

The Congress fully admits that adequate incentives must be offered to the workers so that they can fully co-operate with the nation's drive for increased production. In this connection this Congress approves of the recommendations of the Economic Programme Committee of the A.-I.C.C. on fixation of fair wages and fair profits and the scheme of profit-sharing for labour and industry, and calls upon the Central and provincial Governments to take effective and early steps to implement these recommendations.

Communal Separatism

Following as the text of the resolution on "communalism."

"Ever since its inception, the National Congress has conceived and striven for a nation where the people of all religions and races should have equal rights and opportunities and should function together as citizens of India. It has opposed communalism and separatism, which weaken the nation and come in the way of all progress and co-operative effort. Keeping this ideal in view, it has, nevertheless, by stress of circumstances, and by the pressure of the dominating Power at the time, accepted certain compromises which introduced an element of communalism in the public life of the country. In spite of the efforts of the Congress, communal forces, exploiting the name of religion, grew in strength and resulted not only in the partition of the country, but also in the foul assassination of Mahatma Gandhi.

The terrible experiences through which the country has passed have demonstrated the evil that communalism brings in its train, and have shown that the freedom of India, national as well as of every component part of it, is imperilled by these communal and separatist tendencies. In order, therefore, to preserve the hard-won freedom of the country and for the nation to grow and prosper and enjoy the fruits of this freedom, it has become essential to put an end to the spirit of communalism which has already caused so much grievous injury.

The long past of India is evidence of the spirit of tolerance which was the basis of life and culture in this country. India has been and is a land of many religions and many races and must remain so. The freedom of India can only be based on a recognition of an overriding unity, binding together the richly varied cultural life of the country, which should have full play. The aim of the Congress has, therefore, been to develop this great country as a democratic secular State, which neither favours nor discriminates against any particular religion.

This Congress reiterates this objective and declares its firm resolve not to promote communalism or the misuse of religion as a political weapon for anti-national and socially reactionary purposes. The Congress calls upon the country to make a supreme effort to restore goodwill, peace and harmony among the various communities that form the nation.

It is for this that Mahatma Gandhi laboured, and it was for this that he ultimately sacrificed his precious life. To every Indian, and more particularly to every Congressman, he has left this great legacy and example.

Indians In South Africa

The following is the text of the resolution on Indians in South Africa:

This Congress has noted with deep regret that the Government of the Union of South Africa continues to treat its Indian citizens in disregard of acknowledged human rights and of the principles laid down in the Charter of the United Nations. That Government has ignored the wishes of the General Assembly of the United Nations and even challenged the fundamental principles on which the United Nations is founded. This repudiation of a vital principle, if persisted in, can only lead to bitter and far-reaching racial conflicts, and may even result in the break-up of the United Nations.

The Congress expresses its full sympathy with all those who have suffered by the policy of racial discrimination of the Government of the Union of South Africa.

The Committee passed three more resolutions on the foreign possessions in India, Indonesia and States. The Committee held a prolonged discussion on a lengthy draft resolution on the economic situation and an economic programme for the country. This resolution is expected to be released tomorrow.

Following is the text of the resolution on States:

The Congress welcomes the developments that have taken place in regard to the States in India, resulting in the ending of the Indian States system, which the British Government had built up early in the 19th century. While welcoming the process of integration, merger and union, so as to make the States approximate to the provinces, the Congress trusts that all feudal relics and impediments to the free development of the people will be removed.

Foreign Possessions In India

Following is the text of the resolution on foreign possessions in India:

The chequered course of India's history during the last 200 years or more has left certain foreign possessions in various parts of the country. These foreign possessions continued for this long period because India herself was under alien domination.

With the establishment of independence in India the continued existence of any foreign possessions in India becomes anomalous and opposed to the conception of India's unity and freedom. Therefore, it has become necessary for these possessions to be politically incorporated in India and no other solution can be stable or lasting or is in conformity with the will of the people. The Congress trusts that this change will be brought about soon by peaceful methods and the friendly co-operation of the Governments concerned. The Congress realizes that during this long period administrative, cultural, linguistic, educational and judicial systems have grown up in these foreign possessions which are different from those prevailing in the rest of India. Any change-over, therefore, must take these factors into consideration and allow for a gradual adjustment, which will not interfere with the life of the people of the areas concerned. The

Congress would welcome the present cultural heritage of these possessions to be continued, in so far as the people of those possessions desire, and for a measure of autonomy to be granted, wherever possible, so as to enable the people of these possessions to maintain their culture and institutions within the larger framework of free India.

Indonesia

Following is the text of the resolution on Indonesia:

The Congress sends its greetings to the leaders and people of the Indonesian Republic, who have struggled for their freedom against great difficulties during the past three years. It assures them of its complete sympathy for their cause. The people of Indonesia have been culturally associated with the people of India for ages past and it is a matter of the utmost concern to India that Indonesia should attain her full freedom and take her rightful part in Asian and international affairs.—A.P.I.

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JAN 3 1949
Department of State

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

DIVISION OF SOUTH ASIAN AFFAIRS
JAN 7 1949
Department of State

ACTION is assigned to

AMERICAN EMBASSY

New Delhi, India, December 21, 1948

No. 1374

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1949 JAN 6 AM 8 50
RECEIVED
DEPARTMENT OF STATE

Subject: Meeting of Indian National Conference in Jaipur

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON

Sir:

I have the honor to report that the 55th session of the Indian National Conference, which assembled on December 16 at Gandhinagar in Jaipur concluded its deliberations and adjourned on December 19.

According to press reports Dr. Pattabhi Sitaramayya, newly-elected president of the Congress, entered Gandhinagar on December 15 in one of the most spectacular presidential processions in years. Dr. Pattabhi arrived in a richly decorated silver chariot drawn by four sturdy white bulls. The procession, which included elephants and camels in lavishly decorated ornamental trappings, received a great and continuous ovation as it passed through the streets from the railway station to Gandhinagar. One of the bulls drawing Dr. Pattabhi's chariot was disabled and had to be replaced, but Pattabhi entered the conference grounds with considerably more ease than the impressive limousines of government ministers which became stuck in the sandy road leading to Gandhinagar and had to be temporarily abandoned.

On December 16 and 17 the Subjects Committee of the Congress considered and passed, largely with minor or no amendments, the draft resolutions passed by the Congress Working Committee in New Delhi on December 13 (Embassy despatch 1349, December 14). It was during the course of the debates on the refugee problem that Sardar Patel made his declaration thatif Pakistan did not create conditions in East Pakistan that would make it possible for Hindus to remain there, then Pakistan would have to give up some territory for settlement of refugees.

On December 18 the first session of the Congress in Free India opened. In a forty minute address to a reported 200,000 people, listening in "pin-drop silence" Pandit Jawaharlal Nehru paid tribute to Gandhi, explained

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the work of his Government, and restated his interpretation of the ideals of the Congress. Nehru moved the first resolution, entitled "The Message". It reminded the country that it owed its freedom to its observance of Gandhian ideals and methods and called upon it to pledge its allegiance again to those ideals so that it would not fall from grace and freedom perish.

A series of tributes to early Congress leaders who had laid down their lives for India was passed during this meeting.

On December 18 and 19 the previously approved resolutions were considered and passed. The latter morning witnessed a passionate drama in which the Prime Minister played the leading part. In the absence of Nehru and Patel from a meeting of the Subjects Committee on December 18 the Committee had passed an amendment to a resolution which originally had been approved to read as follows:

> "All Congressmen and more expressly members of the Central and provincial legislatures must set an example in all such matters and maintain a high standard of conduct."

The amendment changed it to read as follows:

> "All Congressmen, members of the Central and provincial legislatures, and more expressly members of the Cabinets, must set an example in all such matters and maintain a high standard of conduct".

Pandit Nehru felt very strongly that this amendment constituted a censure of the Cabinets, including his own, and insisted that the matter be reopened. Nehru, threatening to resign, explained his feelings in language which was described by the Hindustan Times as follows:

> "Some of the unhappy words he chose to attack the supporters of the previous day's amendments brought forth a vehement protest and his speech was interrupted often. This has never happened before."

Sardar Patel then made a soothing speech and the resolution was finally passed to read as follows:

> "All Congressmen must set an example in all such matters and maintain a high standard of conduct."

During the course of his address to the plenary session of the Congress Nehru referred to a message which he had received about the resumption of the "police action" by the Dutch in Indonesia. He warned the Dutch that they would not be able to achieve their object in Indonesia,

that no

that no imperialist power could remain in Asia and that though India could not give effective aid to Indonesia now, it could not remain an idle spectator. He concluded, "Our foreign policy is that no foreign Power should rule over any Asiatic country."

In an address to a huge gathering o December 19 Sardar Patel declared that "It is our determined resolve that we will not allow R. S. S. or any other communal organization to throw the country back on the path of slavery or disintegration....Come what may, we are firm in our decision to put down any movement or organization which creates by its activities chaos and disorders in the land."

After passage of the resolution on refugees Nehru made the following observation regarding the achievements of the inter-Dominion Conference: "The recent inter-Dominion Conference has gone a long way towards the solution of many outstanding problems but the Press and the Congress should recognize the advance that has been made and deal with the psychological proolems."

Respectfully yours,

For the Ambassador

Howard Donovan

Howard Donovan
Counselor of Embassy

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To Department in original and hectograph

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THE FOREIGN SERVICE
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ACTION is assigned to

AMERICAN EMBASSY

New Delhi, India, December 23, 1948

DIVISION OF SOUTH ASIAN AFFAIRS
JAN 6 1949
Department of State

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No. 1378

Subject: Presidential Address of Dr. Pattabhi Sitaramayya at Jaipur session of Indian National Congress.

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON

Sir:

I have the honor to refer to the Embassy's despatch no. 1374 of December 21, 1948 on the subject "Meeting of Indian National Conference in Jaipur" and to enclose copies of the presidential address made by Dr. Pattabhi Sitaramayya at the Jaipur meeting as reported in the Indian News Chronicle of December 19, 1948.

Dr. Pattabhi Sitaramayya, an old-time Congress leader, has a well established reputation for verbosity. His presidential address did not belie his reputation since, according to the understanding of the Embassy, it is the longest speech ever made by any President of the Indian National Congress at a Congress session. Dr. Sitaramayya in his address touched upon almost all the problems which confront the Indian nation today. He covered in his address a multitude of subjects such as Indian foreign policy, steps which must be taken to improve the standard of living of the Indian masses, the refugee problem, the movement to prohibit cattle slaughter, the high mortality rate in India, the question of the future of the Indian states, and many many others.

The Embassy will not attempt to brief all the subjects referred to by Dr. Sitaramayya in his address but only those which are of more importance.

Foreign Affairs

Dr. Sitaramayya's address does not presage any change in Indian foreign policy. He himself referred to the "old principles" which should govern present Indian foreign policy. Those principles are, according to the Congress

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Congress President, the following:

"that is to work for the ending of all imperialism and the domination of one country by another, the ending of racial discrimination and the establishment of racial equality, and world peace and cooperation aimedat ultimately the development of a world order or one world."

After enumerating these general principles Dr. Sitaramayya made a number of specific statements regarding the objectives and methods of Indian foreign policy. He expressed approval of the present Indian policy of "avoidance of attachment to any bloc of powers which is antagonistic to another bloc". With reference to the future of Indonesia - a subject of great concern to Indians - Dr. Sitaramayya said that he would like to assure the Government and people of the Indonesian Republic that "our entire sympathy is with them". He also stated that it is the duty of Indians to take an interest in Indians resident abroad. It is perhaps a significant fact that he did not distinguish in his remarks between those persons of Indian nationality resident abroad and thosepersons possessing Indian blood who are nationals of the colony or country in which they reside.

Dr. Sitaramayya devoted a number of paragraphs to relations between India and Nepal. He disclaimed any desire on the part of India to exploit the economic resources of Nepal and maintained that Indian interest in that country was "identical with the interest of India in other Asiatic countries." He did express the hope, however, that "Nepal's system of Government will be reorganized ere long so as to set up democracy and responsible Government on the lines adopted by India".

Regarding the relations between India and the Commonwealth countries Dr. Pattabhi Sitaramayya declared that since India was to be a free sovereign independent republic it could not remain a dominion. Nevertheless, he did qualify this statement with the remark that it was possible and desirable for the free Indian Republic to have "some relationship" with the United Kingdom which might take the form of an "association of free and independent countries agreeing to have certain reciprocal relations which do not limit in any way their freedom in regard to domestic or international policy".

Princely States

The Congress President ascribed the difficulty experienced by the GOI of integrating the Princely States in the Indian body politic to the machinations of the British. According to him, when the British departed from India their last act was to leave 562 "Ulsters" in the country. As would be expected, he complimented Sardar Patel on his success in arriving at a settlement of the States problem. Somewhat optimistically in the opinion of the Embassy, Dr. Sitaramayya maintained in

his

his address that the problems of Hyderabad and Kashmir were "in sight of solution".

The Congress President indicated in his speech that the process of integration of the Princely States will be continued. After complimenting the Maharaja of Gwalior on his decision to enter the Kaiwa Union despite the fact that his state constituted a "viable unit", Dr. Sitaramayya said that the so-called viable states "may well disappear as such" as they are "out of date and out of tune with the ideals of modern democracy". He also said that the next act of the Indian Government in so far as the States are concerned should be to abolish the estates and privileges and powers of the Jagirdars (large feudal landlords existing particularly in Rajputana states who possess certain revenue, civil and criminal powers).

Linguistic Provinces

Dr. Pattabhi Sitaramayya has long been one of the most fervent proponents of the project for the reconstitution of provinces on a linguistic basis. Consequently it was doubtful that he would be willing to accept the recommendation of the Linguistic Provinces Commission that the reconstitution of provinces on a linguistic basis be deferred for some years. This proved to be the case as Dr. Pattabhi Sitaramayya expressed the opinion in his address that a solution which would satisfy the majority of the advocates of the movement could be found. As he expressed it "human intellect is given to solve problems and not to shelve them".

Evaluation

In general it can be said that the Congress President's speech was reasonable and moderate in tone and that he made no statement which might tend to exacerbate Indo-Pakistan relations. To a certain degree it furnished an indication of the trend which Congress policy will take in the future. Nevertheless, too much importance should not be ascribed to Dr. Sitaramayya's address even though he is the President of the Indian National Congress, the party in power in India today. The Indian National Congress through its Parliamentary Board attempts to give directions to the Central and Provincial Governments to ensure that they follow established Congress policy. Nevertheless, the two most powerful leaders of the Congress - Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel occupy the two leading positions in the Central Government, that of Prime Minister and Deputy Prime Minister. Consequently, it is unlikely that Dr. Sitaramayya or any of the other Congress Party leaders would be able to compel the Provincial Governments, or particularly the Central Government, to adopt any policy to which Pandit Nehru or Sardar Patel was not sympathetic.

Respectfully yours,

For the Ambassador

Howard Donovan
Counselor of Embassy

Enclosure:

Enclosure: 1

5 copies of from
Indian News Chronicle
of December 19, 1948

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To Department in original and hectograph

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Copy to: American Consulates General, Calcutta, Madras and Bombay.

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OF THE
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ACTION
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No.1

UNCLASSIFIED

American Consulate,
Kuala Lumpur, Malaya, January 10, 1949.

Subject: Speech of President Malayan Indian Congress before Indian National Congress.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to forward herewith a copy of the speech read by Sardar Budh Singh, President of the Malayan Indian Congress and leader of the Malayan Indian Congress delegation, on December 18, 1948 before the 55th Annual Session of the Indian National Congress recently held at Jaipur, India. This is the copy of the speech made available to the Malayan press by the Malayan Indian Congress Headquarters in Kuala Lumpur in a press release dated January 3, 1949.

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Respectfully yours,

William L. Blue
American Consul

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DIVISION OF SOUTHEAST ASIAN AFFAIRS
JAN 28 1949
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Enclosure:

Copy of speech read by
President Malayan Indian Congress.

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Singapore.
American Embassy, London.

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Enclosure to Despatch No. 1 dated January 10, 1949, from American Consulate at Kuala Lumpur on the subject: "Speech of President Malayan Indian Congress before Indian National Congress.

Message from Malayan Indians to the 55th Annual Session of the Indian National Congress, held at Jaipur on the 18th of December, 1948, read by Sardar Budh Singh, the President of the Malayan Indian Congress and leader of the Malayan Indian Congress Delegation

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This is one of the supreme moments of my life. I feel overwhelmed with the thought that I am in the midst of the great Leaders of India gathered together under the auspices of that dynamic organization, the Indian National Congress, which piloted the ship of India through the stormy seas of Imperialism and Colonialism into the calmer waters of Independence.

It is my proud privilege to convey to you the greetings of Indians in Malaya and more particularly the greetings of the Malayan Indian Congress and also to convey our heartiest congratulations to Shri Sitaramaya, the historian of the Indian National Congress and today the Rashtrapati.

Our hearts are hung down with the greatest sorrow -- a sorrow that has numbered and touched our hearts with ice. I refer to the passing away of Mahatma Gandhi at the very hour of his triumph. Let us remember his message which is imprinted deep in the hearts of all of us.

No doubt the Indian National Congress which initiated and carried on the struggle for Indian Independence, must necessarily be fully qualified to plan the future of Indian for peaceful progress. That is the great task before the Congress in this Session. I and my colleagues from Malaya are grateful for the kind invitation extended to us to attend this Session. We hope to learn a great deal from the approach you will make to the problems of reconstructing a Nation and gearing it for productive activities. We hope you will constantly remember the Indians in Malaya who are doing their best to carry the good name of India at all times.

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NO. 35

AMERICAN CONSULATE GENERAL

Bombay, India, January 29, 1949

RESTRICTED

SUBJECT: Withdrawal of Congress Candidate in Bombay Legislative Assembly By-Election.

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that, according to a public statement issued by Mr. S.K. Patil, President of the Bombay Provincial Congress Committee, the Congress has withdrawn its candidate, Mr. Adamali Nurbhai Dadanvala, from the forthcoming by-election to the Bombay Legislative Assembly from the Bombay City South Muslim (Urban) Constituency. The withdrawal was made in favor of the Socialist candidate, Mr. Yusuf Meherally.

Prior to this announcement, Patil had privately informed Mr. Meherally that he was prepared to withdraw the Congress candidate provided Meherally would not make the election a party issue. Meherally has not publicly replied to Patil's suggestion.

Patil's statement explains that when Congress nominated its candidate, it was unaware that Meherally was standing as the Socialist candidate, and went on to state that since there was no issue between the Congress and the Socialists in this election, it was thought unwise to make the Muslims fight one another at this juncture. The Congress additionally explained that since the election was free from party considerations, it was only proper that a better public servant should be allowed to stand for the election uncontested, and that for this consideration alone, the Congress has withdrawn its candidate. Since, however, formalities of the ballot preparation had been completed, Mr.

Dadanvala

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Dadanvala will actually have his name on the ballot, even though Congress has publicly withdrawn its support.

The Consulate General finds it difficult to accept the Congress explanation for this move; rather it would appear that the foregone result of the election in favor of the Socialist candidate has been recognized by Congress. The BPCC probably estimated that it could not afford at this juncture to lose the by-election. Meherally, who returned some few months ago from the United States where he had been undergoing medical treatment, is one of the most prominent and popular Socialist leaders in Bombay, whereas Dadanvala is, in comparison, unknown politically. The suggestion that contesting the election would make Muslims fight one another at this time seems to have little or no basis in fact, although it is probable that this by-election will be the last one in the Province contested in a communal constituency.

Respectfully yours,

C. H. Timberlake

Clare H. Timberlake
American Consul General

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NO. 42

AMERICAN CONSULATE GENERAL

Bombay, India, January 31, 1949

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SUBJECT: Measures to be Taken up by the Bombay Legislative Assembly.

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that in addition to consideration of the budgetary measure, the most important feature on the agenda of the Bombay Legislative Assembly Session scheduled for February 18, a number of other official and private (non-official) bills have already been announced.

The official bills include one to prohibit excommunication, one to amend and consolidate the law relating to the promotion and enforcement of the prohibition policy and the Abkari Law in the Province, and a bill to establish and incorporate the Karnatak University.

Among the unofficial bills submitted by private members for consideration are: a bill to restrain the custom of giving or taking dowries; a bill to amend the Bombay Tenancy Act; a bill to remove official recognition of caste distinctions among Hindus. Among those resolutions (as distinct from "bills") on the agenda are: one requesting the Government "immediately to appoint a committee consisting of scientists, psychologists, philosophers and other persons to investigate" and suggest remedies for the solution of the communal problem; another resolution submitted by the same member, Mr. A.A. Doddameti, requesting the Assembly to communicate to the Constituent Assembly the suggestion that the linguistic provinces of Karnatak, Maharashtra and Gujerat be formed without delay; a third resolution asking for the recording of the

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proceedings of the Assembly in Hindustani and in the Deonagri script and making provision for allowing the Assembly debate in any of the recognized languages of the Province.

The Department will note in this advance provisional agenda an indication of the temper of the Indian political clime, with its emphasis on prohibition legislation, its concern with religious distinctions and its re-opening officially in Bombay of the linguistic issue.

Respectfully yours,

For Clare H. Timberlake
American Consul General

William Witman II
Consul of the United States of America

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American Consulates General, Calcutta, Madras

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NO. 48

AMERICAN CONSULATE GENERAL

Calcutta, India, February 23, 1949.

SUBJECT: West Bengal Legislative Assembly Session, January 17-24, 1949.

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report briefly below on the January session of the West Bengal Legislative Assembly which was convened on January 17, 1949 and prorogued on January 24, 1949.

The session was concerned for the most part with routine legislative matters and passed a total of fourteen bills most of which have little general significance. A list of the bills passed, together with brief descriptive comments, is transmitted as an enclosure with this despatch. An ambitious project for the reorganization of secondary education was referred to a select committee for further consideration. The most important measures approved by the Assembly were a bill to increase the scope of the provincial sales tax and a bill to reduce the exemptions and to raise the rates of the West Bengal agricultural income tax. Both measures were introduced to offset in part the reductions which had been made in Central Government assistance in accordance with the anti-inflation program. The Assembly extended the temporary supersession of the Calcutta Corporation from March 31, 1949 to March 31, 1950 in order to give further time to reorganize its affairs.

Aside from controversy which arose over the police handling of the student disturbances on January 14 (see Calcutta's despatch no. 21 dated January 21, 1949) there was little debate during the course of the session. As the Department is aware, the opposition in the present Assembly comprises only two Communist members and a handful of former Muslim leaguers, who have no constructive program of their own, and who use the sessions principally as a sounding board for grievances. None of the measures presented in the session under reference afforded an opportunity for such tactics.

Respectfully yours,

Charles P. Derry
American Consul General

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E. A. Gilmore, Jr./hrb
Enclosure: A list of bills passed.
Copy to: American Embassies, New Delhi, London, Karachi.
American Consulates General, Bombay, Madras.
Division of South Asian Affairs.

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Enclosure to despatch no. 48 dated February 23, 1949 entitled "West Bengal Legislative Assembly Session, January 17-24, 1949" from the American Consulate General, Calcutta, India.

List of Bills Passed During the West Bengal Legislative Assembly Session January 17 - 24, 1949.

1. The West Bengal Non-Agricultural Tenancy Bill, 1948.

This is a comprehensive bill regulating the rights of landlords and tenants in respect of non-agricultural lands which was originally passed by the Bengal Legislative Assembly before the partition of the Province, but could not become law until re-enacted by the present Assembly since it was never submitted to the Bengal Legislative Council.

2. West Bengal Local Self-Government (Amendment) Bill, 1949.

Amends the Local Self-Government Act of 1885 to provide for the election of District Boards and the enfranchisement of the residents of the new districts of Malda, West Dinajpur, Jalpaiguri and Nadia which were created as a consequence of the Radcliff award.

3. The West Bengal District Boards (Amendment) Bill, 1949.

Extends the life of the District Boards created under the West Bengal District Boards Act, 1947 in the new districts of Nadia, Jalpaiguri, West Dinajpur and Malda, for a further period of six months and provides for the reconstitution of such Boards by election.

4. The West Bengal Criminal Law Amendment (Special Courts) Bill, 1949.

Provides for the establishment of special courts for the speedy trial of cases relating to bribery, fraud, etc., particularly where the offenses in question are committed against the Government.

5. The West Bengal Money-Lenders (Amendment) Bill, 1948.

Exempts the Reserve Bank of India from the operation of the Bengal Money-lenders Act, 1940.

6. The Calcutta Thika Tenancy Bill, 1949.

This is a comprehensive measure defining the rights and obligations of so-called thika tenants and contains special provisions protecting them against arbitrary eviction and enhancement of rent. Thika tenancy is especially a problem in the environments of Calcutta and in the Howrah Municipal area, and in general refers to those occupying bustee sections.

7. The Bengal Nurses (West Bengal Amendment) Bill, 1948.

Contains minor technical amendments to the Bengal Nurses Act, 1934.

8. The West Bengal National Volunteer Force Bill, 1949.

Empowers the West Bengal Government to recruit a National Volunteer Force mainly for the purpose of assisting the police in the maintenance of law and order. The Bill which replaces the West Bengal National Volunteer Force Ordinance, 1948 (West Bengal Ordinance XII of 1948) defines the terms and conditions of enlistment in the Volunteer Force, the authority of the police and District Magistrates to utilize the Force, the powers and privileges of the members and other administrative details.

/9. The West

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9. The West Bengal Agricultural Income-Tax (Amendment) Bill, 1949.

Amends the Bengal Agricultural Income-tax Act, 1944, to reduce the exemption limits from Rs 3500 and 100 bighas of land to Rs 2500 and 50 bighas of land and to authorise the following increase in the rates:

	Old Rate. (per rupee)	New Rate. (per rupee)
(a) On the first Rs 1500 of the total agricultural income.	Nil.	Nil.
(b) On the next Rs 3500 of the total agricultural income.	Nine pies	Nine pies
(c) On the next Rs 5000 of the total agricultural income.	One anna	One anna and three pies
(d) On the next Rs 5000 of the total agricultural income.	One anna and six pies.	Two annas
(e) On the next Rs 5000 of the total agricultural income.	Two annas	Three annas
(f) On the balance of the total agricultural income.	Two annas and six pies	Four annas

10. The West Bengal Evacuees (Administration of Property) Bill, 1949.

Makes provision for the establishment in West Bengal of Evacuee Property Management Boards as agreed by the Governments of East and West Bengal at the Inter-Dominion Conference held in New Delhi, December, 1948. The measure provides that the Boards shall be selected from the minority community, that they may assume management of properties only on the definite request of their owners, and that they shall not have the power to alienate the property entrusted to them for management.

11. The West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1948.

Enacts certain minor technical amendments to the West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947.

12. The Mahajati Sadan Bill, 1949.

Empowers the Government of West Bengal to acquire the lands and premises at No. 166, Chittaranjan Avenue, Calcutta, and to complete the erection thereon of the half-finished building known as Mahajati Sadan the erection of which was initiated by Netaji Subhas Chandra Bose. Provides that the Provincial Government shall utilize the building when completed as a public auditorium.

13. The West Bengal Finance (Sales Tax) Amendment Bill, 1949.

Provides that the following commodities formerly exempt under the Bengal Finance (Sales Tax) Act, 1941 shall hereafter be taxed: mustard oil, rape seed oil, mixtures of mustard and rape seed oil, mustard seed and rape seed, matches, tobacco (except for tobacco for hookah), coal and coke, coal gas, newspapers, hides and raw skins, fresh fruits, hand-made paper, fuel wood, charcoal, handloom woven dhutis, lungis and saris, handloomwoven cloth other than dhutis, lungis and sari and febrifuge.

14. The Corporation of Calcutta (Temporary Supersession) Amendment Bill, 1949.

Amends the Corporation of Calcutta (Temporary Supersession) Act, 1948 to provide for the extension of the supersession of the Corporation for a further period of one year from March 31, 1949 to March 31, 1950. Necessary steps for the reassessment of property and the improvement in real property tax collections could not be completed within the term originally fixed.

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INCOMING AIRGRAM

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Department of State

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Secretary of State,
Washington, D.C.

A - 124, February 28, 1949

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Reference Congen's despatch no. 35 of January 29, 1949 reporting nomination of Mr. Yusuf Meherally as Socialist candidate to the Bombay Legislative Assembly from the Bombay City South Mohammedan Constituency, and withdrawal of support by other parties, including the Congress from their candidates:

Meherally was declared elected to fill the Assembly vacancy on February 22, 1949. He received 478 out of 486 valid votes cast at the election. The Congress Party candidate received 4 votes. The election, results of which were a foregone conclusion, brought out an extremely small vote from the total electorate of 75,000.

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ACTION ~~FRW~~
is assigned to

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No.61

AMERICAN CONSULATE GENERAL

Madras, India, March 18, 1949

RESTRICTED

SUBJECT: Dress Regulations for Madras Legislators Debated: The Propriety of Wearing Shirts Discussed.

The Consul General has the honor to enclose, for the Department's information and edification, five copies of a news item which appeared in the Madras Hindu for March 16, 1949, reporting a debate in the Madras Legislative Assembly on the question of whether or not the members of that body should be required to wear shirts or otherwise cover the upper portions of their bodies during sessions. The article reflects to an accurate degree the type of legislators at present holding office in this Province and the manner in which they occupy themselves while in session.

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Enclosures:

Five copies of the news item.

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Original and hectograph to Department
Copy to American Embassy, New Delhi.

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Department of State

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Enclosure to Despatch No.61 dated March 18, 1949, from the American Consulate General, Madras, India, on subject: "Dress Regulations for Madras Legislators Debated: The Propriety of Wearing Shirts Discussed."

DRESS REGULATION FOR LEGISLATORS

DISCUSSION IN MADRAS ASSEMBLY

MADRAS, March 15.

The question whether the sartorial fashion of the House should be fixed, if necessary, by a Standing Order, was discussed in the Madras Assembly, this morning, on a suggestion made by the Yuvaraja of Pithapuram.

The matter was dropped after a brief discussion in the course of which the Leader of the House pointed out the difficulty of fixing any uniform standard for all the members.

After question-time in the Assembly today, the Yuvaraja of Pithapuram said that in view of the varying sartorial fashions in the House, he would like to know from the Speaker what the proper dress for the Legislators of this Province was and whether the dress adopted should be Indian or Western. "I feel", he added, "that decorum in dress is as important as decorum in conduct and speech."

Mr. B. Gopala Reddi: May I submit, Sir, any decent dress may be permitted in this House including "shirtless dress."

The Speaker observed that when a point was raised it was for him to give a ruling. However, the Leader of the House had exercised his right and had his say. On this matter of dress what he wished to say was that any clean and neat dress was permissible. It was not possible for him to define what neatness was. On this subject, he had corresponded with the Speaker of the House of Commons.

Some time ago, Begum Amiruddin raised a point about dress and he (the Speaker) wanted to know whether any dress was insisted on in the House of Commons. He cabled to the Speaker of the House of Commons and had received the following reply:

"Members attend in suits which include at least jacket and trousers. Proper dress presumably varies with climate. Minimum standards should be fixed by the good sense of the Assembly and if necessary regulated by Standing Order."

The Speaker said that if the Leader of the House so desired he had no objection to appointing a Committee to go into the question.

Mr. B. Gopala Reddi said that there could not be any uniformity in this matter as Muslim members might prefer to come in shervanis and closed coats. "It is premature to prescribe any standard dress. We can only say that any decent dress will be welcome."

Mr. P. Natesan observed that he always felt that when friends like Mr. Varadachari and Mr. Vedaratnam attended the House wearing only a cloth exposing a great part of their body "I would like the Leader of the House to take the matter seriously and see that a proper dress is prescribed for the members of the Assembly in consonance with its dignity If the Leader of the House tolerates all kinds of dress, it will go against the reputation of the House".

Mr. N. S. Varadachari said that he would make a sporting offer that if Mr. Natesan would sit down and spin enough yarn for him on the charka, he would certainly wear a shirt.

Mr. Natesan said that this House was not concerned with charka. After all, the charka was the emblem of an institution to which Mr. Varadachari belonged. They were now concerned with the dress for members of the Assembly. It would be certainly derogatory to the dignity of the House for members to come without an upper cloth or shirt.

The Speaker terminated the discussion and proceeded to the next item on the agenda.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

ACTION
assigned to

AMERICAN EMBASSY

New Delhi 5, India, February 4, 1949.

RESTRICTED

No. 119

SUBJECT: Analysis of Fifty-fifth Session of Indian National Congress (Jaipur)[1]

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C.

SIR:

I have the honor to refer to the Embassy's despatches no. 1349 of December 14, 1948 on the subject "Draft Resolutions of Congress Working Committee"; no. 1374 of December 21, 1948 on the subject "Meeting of Indian National Conference in Jaipur"; no. 1378 of December 23, 1948 on the subject "Presidential Address of Dr. Pattabhi Sitaramayya at Jaipur Session of Indian National Congress", and to furnish the Department with more detailed information regarding the proceedings of the conference and its significance in the context of the present Indian political scene.

Explanation, Composition and Functions of Congress Sessions as Provided in Congress Constitution.

The session of the Indian National Congress at Jaipur, which forms the subject of this despatch, is the fifty-fifth session which has been held since the establishment of the Congress in 1885.

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1. See page 110 for index.

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According to the Congress Constitution[2] delegates to the Congress session are elected by members of the Primary Congress Panchayats, subordinate Congress organizations in the Congress provinces; and by "effective" Congress members[3] on the basis of one delegate for every lakh /100,000/ of the population of the Congress Province. It is important to note that delegates are elected on the basis of Congress provinces rather than of Indian provinces - the 18 Congress provinces are not identical with the existing political subdivisions of the country but are based on linguistic units. The Constitution provides that the delegates from each province elect from among themselves one-eighth of their number as representatives of the Province on the All-India Congress Committee.

A Congress

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2. Copies of the new Congress Constitution were forwarded to the Department under cover of despatch no. 814, dated July 16, 1948, subject "Transmission of the Constitution of the Indian National Congress".

3. The Congress Constitution provides for three types of Congress members: Primary members; Qualified members; and Effective members.

Primary members must be 21 years of age or more and must have signified in writing their approval of the objectives of Congress on a form provided for that purpose.

Qualified members are those primary members who habitually wear khadi, do not observe or recognize untouchability and believe in inter-communal unity as well as in equality of opportunity and status of all irrespective of race, creed or sex.

Effective members are those qualified members who devote regularly a part of their time to some form of national or constructive activity as laid down from time to time by Congress.

A Congress session is composed of all provincial delegates including those delegates who have been elected members of the All-India Congress Committee. The most important distinction between the All-India Congress Committee members and the other delegates is that the All-India Congress Committee members take part in the deliberations of the Subjects Committee whereas the delegates can take part **only** in the plenary sessions. The Constitution requires that the All-India Congress Committee be convened as the Subjects Committee at least two days before the Congress session. It then proceeds to discuss the program and to frame resolutions for submission to the open session. Moreover, under the Constitution the Congress session is prohibited from taking up any "substantive motion" not approved by the Subjects Committee, except those motions which at least 40 delegates have requested the President in writing to allow them to place before the Congress session. Even under these conditions the session cannot take up a substantive motion unless it has been previously discussed in the Subjects Committee and has received the support of at least one-third of the members present in the committee.

Summary of Proceedings.

In accordance with the provisions of the Constitution cited in the preceding paragraph the All-India Congress Committee met at 2:30 p.m. on December 16 - two days before the first plenary session of the Congress was held. The first action taken by the All-India Congress Committee, after the inevitable singing of the Bande Mataram, was to confirm the proceedings of the last session of the All-India Congress Committee which was held in Bombay in April 1948 and to approve the report of the General Secretaries and the audited accounts. The Committee then formed itself into the Subjects Committee and passed the following resolutions,

which

which had been submitted to it by the Congress Working Committee:

1. In Memoriam
2. Homage to Martyrs
3. General Condolence
4. The Message
5. Foreign Policy

The first of the resolutions stated that Congress placed on record its sense of profound sorrow at the assassination of Mahatma Gandhi; in the second Congress paid homage to the martyrs who died in the struggle for independence; and in the third Congress expressed condolences at the deaths during the past year of various Congress leaders and also of Mr. Jinnah. The fourth resolution entitled "The Message" consisted of an appeal to the Congressmen and people of India to meet the problems of the future in the spirit of Gandhi's message to India, i.e., establishment of unity and goodwill between all communities, the abolishment of class and caste distinctions, and a constant striving to establish a classless, democratic society in a peaceful manner. The resolution on foreign policy reiterates Congress opposition to "imperialist domination and colonial exploitation"; declares the adherence of Congress to principles of United Nations Charter; and states Congress would welcome friendly association of India with independent nations of the Commonwealth. After these resolutions were passed the meeting was adjourned.

On December 17 the Subjects Committee met again and passed the following resolutions:

6. Foreign Possessions in India
7. Indians in South Africa
8. Indonesia
9. States
10. Sufferers from Partition
11. Communalism
12. Labor
13. Gandhi National Memorial Fund

All the resolutions are set forth in full in the annexes to this despatch together with the

suggested

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suggested amendments submitted in the Subjects Committee and the most important of the speeches delivered. Consequently they will not be described in detail in this portion of the despatch.

On December 18 there was another meeting of the Subjects Committee during the course of which the following resolutions were passed:

14. Economic Program
15. Standards of Public Conduct
16. Linguistic Provinces

The plenary session of the Congress met at 3 p.m. before an audience estimated at between 200,000 and 300,000 people. Various congratulatory messages were read and Dr. Pattabhi Sitaramayya, the newly elected President of the Congress, read his Presidential address (see Embassy despatch no. 1378, December 23, 1948 on the subject "Presidential Address of Dr. Pattabhi Sitaramayya at Jaipur Session of Indian National Congress" for the text of Dr. Sitaramayya's address). The session then considered and approved resolutions 1 to 5.

On December 19 the Subjects Committee was reconvened in accordance with Nehru's request that it reconsider its amendment to resolution no. 5. In addition to its approval of resolution 5 in an amended form it also approved a number of minor amendments to the Congress Constitution. The plenary session met at 2 p.m. and approved resolutions no. 6 to 16 inclusive. After the concluding speeches of Sardar Vallabhbhai Patel, Pandit Nehru and Mr. Harilal Shastri, Chairman of the Reception Committee, the session adjourned at 9 p.m.

Comparison with Previous Congresses.

The chief distinction between the Jaipur Congress session and previous sessions is that the Jaipur session was the first Congress session held in an independent India. The main objective

of the

of the Congresses held during the last twenty years was to win popular support for the Congress goal of an independent India. The Jaipur Congress can therefore be considered as a sort of victory celebration for Congressmen; to many of them it constituted the crowning realization of their successful struggle for independence.

From another viewpoint - which is also in contrast to previous Congresses - the Jaipur meeting could be considered as a party meeting like those held by political parties in Great Britain. Undoubtedly, one of the most significant consequences of the session was the opportunity it presented to the Government to obtain the endorsement by the lower rank of Congressmen of its policies. Such an endorsement was of particular importance in the context of the present political situation in which the Cabinet and the supreme legislative body of the Government have not been chosen by the people themselves in a direct election. Consequently the Jaipur session can be considered an important step in the transition of the Congress from an all inclusive organization of people possessing diverse political and economic beliefs but united in a common striving to obtain independence to a political party, the leaders of which receive their mandate from the rank and file of the party. The absence of the Socialists underlined the fact that Congress has been gradually metamorphosed into a political party, the decisions of which to an extent are binding upon the Central and Provincial Governments.

Approval given by Congress to Policies of Central and Provincial Governments.

In the opinion of the Embassy the events and decisions taken at Jaipur can only be regarded as an overwhelming, if not absolutely unqualified, endorsement of the actions of the Government since its assumption of office. There were a few attempts to amend the various resolutions in such a manner

that

that they would constitute a criticism of the Government. All of these attempts, however, were half-hearted and seemed to be considered, even by the movers, as merely individual protests which were not to be taken too seriously. Many of the amendments were not even put to a vote but were withdrawn by the persons submitting them.

Evidence of Discontent.

Nevertheless, the Congress meeting offered substantial evidence that all of the delegates were not completely satisfied with the record of the present Central and Provincial Governments. The malcontents criticized the Government on the following grounds:

1. Its failure to provide adequately for the relief and rehabilitation of refugees.

2. The ineffectiveness of its economic policies and particularly its failure to raise the standard of living of the great mass of the people.

3. The decision of the Government to continue its association in some form with the British Commonwealth.

4. The evidence of corruption and nepotism in the Government.

With reference to the last point in the foregoing list, the Congress leadership has been greatly concerned over the fall in the moral prestige of the Congress Party since it assumed office in the Central Government and the provinces. A number of locally prominent Congressmen have been accused of utilizing their office for private gain; of inserting their relatives and friends, often poorly qualified and sometimes dishonest, into Government service; engaging in blackmarket activities; and generally of departing from the high ideals and moral principles of Gandhi. Many of the more idealistic

Congressmen

Congressmen would assert that one of the greatest benefits of the Congress Session was the opportunity which it offered for Congressmen to re-dedicate themselves to the attainment of the austere ideals of Gandhi rather than to continue to be sullied by the spoils of office. Whether the Jaipur Session was successful from the point of view of re-imbuing certain Congressmen with the Gandhian standard of purity in public life as yet remains to be seen.

The dissatisfaction of the rank and file of Congressmen came to a head during the consideration of the now famous resolution no. 15 "Standards of Public Conduct". The controversial portion of this resolution was the following:

> "All Congressmen, more especially members of Central and Provincial Legislatures, must set an example in all such matters and maintain a high standard of conduct."

In the debate in the Subjects Committee - which took place when Nehru and Patel were absent - the usually compliant delegates belligerently approved an amendment which altered the resolution to read as:

> "All Congressmen, members of Central and Provincial Legislatures, more especially members of the cabinets, must set an example in all such matters and maintain a high standard of conduct."

As is described in detail in enclosure no.15 to this despatch, Nehru strenuously objected to the amended resolution on the basis that it implied a lack of confidence in him and the Central Cabinet and was successful in having it amended as follows:

> "All Congressmen must set an example in all such matters and maintain a high standard of conduct."

An officer

An officer of the Embassy discussed the implications of the temporarily successful revolt with a number of Congress leaders including the President, Dr. Pattabhi Sitaramayya; the former General Secretary, Acharya Jugal Kishore; and Professor N. G. Ranga, a member of the Working Committee. All of these leaders expressed the view that amendment was not intended as a censure of the Central Cabinet. Dr. Sitaramayya offered the most plausible explanation. He pointed out that many of the members of the Subjects Committee were members of provincial assemblies who could see no reason why they should be specifically named in the resolution when the leaders in the Cabinets were omitted. There is another explanation, a psychological one. The members of Subjects Committee had seen all attempts to amend the resolutions drafted by the Working Committee fail. The Congress leaders created the impression that the Committee had to accept the resolutions exactly as the Working Committee had drafted them and that the leadership composed of a few men was not disposed to adjust their views in the slightest degree to the wishes of the mass of Congressmen. Thus the underlying resentment of the delegates at what they considered the high-handed methods of the leaders flared up in the last meeting of the Committee in connection with this resolution.

Nevertheless, the Embassy does not consider that the temporary rebellion discussed in the preceding paragraph denotes any threat for the time being to the present leadership of the Congress. Although many members of the Committee openly resented Nehru's intemperate remarks when the Committee was convened to reconsider the resolution, they accepted his amendment by a large majority. There was no evidence at Jaipur of the existence of a cohesive group of dissident Congress members with common objectives who might eventually be able to challenge the present Congress High Command. On the contrary the opposition which arose was individual, sporadic, and generally ineffective. Fundamentally what opposition existed was a protest against the methods utilized by the Congress leadership to obtain endorsement of its policies

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rather than an effort to displace the present leaders or to reverse their policies.

Popularity of Nehru and Patel.

One indisputable fact emerged from the Congress: Nehru and Patel are by far the most popular men in public life today and completely overshadow all other Congress leaders. This statement holds particularly true for Nehru. In a conversation with me Nehru, himself, stated that he seemed to be the most popular man in India. While such a statement might sound egotistical coming as it did from Nehru himself, it was not made as a boast. On the contrary the Prime Minister in making it expressed puzzlement that such was the case. According to one newspaper reporter who attended the Jaipur meetings the audience concentrated its attention entirely on the Pandit and the Sardar. When they spoke the vast audience was quiet; when others spoke there was often such a hubbub that the speaker could not be heard.

The predominant place in Indian esteem occupied by Nehru and Patel perhaps helps to explain another fact which emerged from the Jaipur session, i.e., that there is no evidence of the existence of young Congress leaders who are qualified to assume the leadership of Congress after the disappearance of Nehru and Patel from the political scene. The Embassy does not doubt that there are men in the Congress organization who possess the capacities of potential leaders. They are however not known to the Embassy or to the numerous Indians, including many Congressmen and officials, with whom Embassy officers have discussed this question. Pandit Pant, Premier of the United Provinces, with whom I had a short conversation while I was in Benares, took a prominent part in the proceedings at Jaipur, particularly in defending the official resolutions against attempts to amend them. Pandit Pant, however, could hardly be considered a budding Congress leader as he is sixty-one years of age and is always included among the Congress "Old Guard" with Nehru, Patel, Azad, Naidu et cetera.

Foreign

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Foreign Policy.

Perhaps the decision which will most affect the United States taken at the conference was that regarding foreign policy. Professor N. G. Ranga, one of the members of the Congress Working Committee, said that in his opinion the approval by the Congress of the resolution on foreign policy definitely signified that India had decided to throw its lot in with the democracies in the present struggle between the USSR and the western countries. The Embassy does not accept Professor Ranga's rather sweeping conclusions but it does feel that the support which the Prime Minister obtained for his policy at the Jaipur meeting will ensure that India maintains its connections with the Commonwealth, provided, of course, that some form of association can be worked out between the Commonwealth countries and India which will enable the latter at the same time to enjoy the status of - in the words of the Objectives Resolution passed by the Constituent Assembly - "a sovereign independent republic."

Even if India continues to be associated with the Commonwealth, such association would not signify that it would be willing to adjust its foreign policy to the degree that non-Asiatic Commonwealth countries have often been willing to do in the past in order to achieve a common British Commonwealth policy. Nehru emphasized at Jaipur that India was determined to pursue an "independent foreign policy" and the Embassy strongly feels that, Commonwealth ties notwithstanding, India would not hesitate to adopt a line of action absolutely contrary to Commonwealth policy should it consider such action desirable, particularly regarding problems which arise in South Asia - an area for which India considers itself the spokesmen of groups opposing "Western Imperialism".

Moreover, the session demonstrated a lack of experience in the conduct of foreign affairs by the Congress leaders - who are also of course the Government leaders - in that the Congress

received

received as delegates representatives from groups opposing the Governments of countries with which India maintains friendly relations. Representatives from the two organizations - the Nepali National Congress and the Nepali Democratic Congress - advocating the overthrow of the present regime in Nepal were received. The leader of the delegation to the session of the Malayan Indian Congress, Sardar Budh Singh, criticized the Government of Malaya during his stay in India. There were also delegates from French India who urged that the French colonies in India be integrated into the Indian Union. An American negro, Mr. Bayard Rustin, who happened to be in India to promote among other projects a "world organization of colored peoples" and who was not sparing in his criticism of American treatment of negroes, was received as an honored guest at the Jaipur session. Perhaps the explanation for this lack of circumspection in the conduct of international affairs lies in the fact that the Congress and its leaders, including Pandit Nehru, have not yet fully appreciated that the Congress is not now merely an opposition group which can take cognizance of what it considers to be oppression in all parts of the world but that it is the official Party in power in India, and, as such, should not take any action which might be construed as intervention in the internal affairs of another country.

Explanation of Annexes.

With four exceptions the annexes to this despatch deal with the various individual resolutions passed by the Congress session. Each of these annexes contains the text of the resolutions as finally passed by the Congress Session, the attempted amendments to the resolution, summaries of the more important points in the various speeches delivered in connection with the consideration of the resolution, and an evaluation of the significance of the resolution. The remaining four annexes are as follows: the Report of the General Secretaries of the Congress for

the period

the period November 1946 to December 1948; a summary and appreciation of the preceding report; a precis of the remarks made by the Prime Minister just prior to the termination of the session and a summary of editorial reaction to conference.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

Annexes:

1. In Memoriam
2. Homage to Martyrs
3. General Condolence
4. The Message
5. Foreign Policy
6. Foreign Possessions in India
7. Indians in South Africa
8. Indonesia
9. States
10. Sufferers from Partition
11. Communalism
12. Labor
13. Gandhi National Memorial Fund
14. Economic Program
15. Standards of Public Conduct
16. Linguistic Provinces
17. Report of the General Secretaries of the Congress for the period November 1946 to December 1948.
18. A summary and appreciation of the report.
19. A precis of the remarks made by the Prime Minister.
20. Summary of editorial reaction to Conference.

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JJeffersonJones,III:pkn
Enclosure no.20 prepared by John M. Steeves, First Secretary of Embassy and Public Affairs Officer.

Original and hectograph to Department.

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Consulate General, Bombay
Consulate General, Calcutta
Consulate General, Madras

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Annex no. 1

Resolution no. 1 In Memoriam

The text of the resolution as passed by the Plenary Session of the Congress is as follows:

> "This Congress places on record its sense of profound sorrow and shame at the assassination of Mahatma Gandhi, the Father of the Nation".

This resolution was moved by the President and there was no discussion regarding it, either in the Subjects Committee or in the Plenary Session.

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Annex no. 2

Resolution no. 2 Homage to Martyrs

The text of the resolution as passed by the Plenary Session of the Congress is as follows:

> "The Congress offers its homage to all those martyrs who have laid down their lives in the country's struggle for Independence".

This resolution was moved by the President and there was no discussion regarding it, either in the Subjects Committee or in the Plenary Session.

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Annex no. 3

Resolution no. 3 General Condolence

The text of the resolution as passed by the Plenary Session of the Congress is as follows:

> "The Congress expresses its deep sense of sorrow and loss at the deaths of Mr. M. A. Jinnah, Mr. B. G. Horniman, Mr. K. F. Nariman and a number of Congress leaders".

This resolution was moved by the President and there was no discussion regarding it, either in the Subjects Committee or in the Plenary Session.

Annex no. 4

Resolution no. 4 The Message

The text of the resolution as passed by the plenary session of the Congress is as follows:

"During its long history of struggle for India's freedom, carried from generation to generation, the Congress experienced both sorrow and fulfilment and many triumphs and defeats. But under the superb leadership of the Father of the Nation, sorrow was made to chasten and purify the people and every defeat was turned into an incentive for redoubled effort and a prelude to victory.

"Two years ago the Congress met in Meerut City at a time of trial and difficulty and again under the inspiration of Gandhiji gave a lead to the nation. These two years have brought fulfilment in a measure and the independence, for which generations had struggled and suffered, has been achieved. But the cost of that achievements has been heavy indeed, for the Motherland has been cut in two, and following this ill-fated partition, madness descended upon the people and all the great ideals for which the Congress stood seemed for a moment to be eclipsed. That darkness was illumined by the heartening message of Gandhiji, and innumerable sorrowing hearts drew strength and solace from it.

"Then came the greatest blow of all, the assassination of him who was the embodiment of love and the gentle and unconquerable spirit of India.

"Thus the very achievement for which the Congress had laboured and which was a culmination of long struggle, brought no glow of freedom but sorrow and dismay.

In reverent

"In reverent memory of Gandhiji and in homage to his teaching, the country faced these terrible crisis, the greatest of which was the crisis of the spirit which had clouded India's mind and made her forget for a while the great lesson which the Master had taught.

"This Congress, meeting sixteen months after the attainment of independence and nearly eleven months after the passing away of him who fashioned it and gave it life, pays its homage to that great spirit and to his great message, and resolves to continue the service of the people of India and humanity in the light of that life-giving message.

"Political freedom having been attained through non-violent action under the leadership of Gandhiji, the National Congress has now to labour for the attainment of social and economic freedom so that progress and equal opportunity may come to all the people of India without any distinction of race or religion. This task requires a new and positive approach and a dedication to the service of the Motherland in a constructive spirit.

"The people of India have achieved independence but to enjoy its fruits, they must discharge their responsibilities and obligations. Congressmen must remember that it has been and should continue to be their highest privilege to serve the people and to shoulder these responsibilities and obligations, and those who hanker after office or power, forgetting their obligations, do an ill-service to the country.

"It was

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"It was the particular teaching of Gandhiji that service should be directed more specially towards promoting unity and goodwill between all the people of India, abolishing class distinctions and those based on birth or caste or religion, and working for a classless democratic society in a peaceful manner. Above all, the lesson he taught was the adherence, at all costs and in all circumstances, to the moral values which give meaning to life.

"This Congress urges all Congressmen with all earnestness to face the difficulties and crises of today, both national and international, in the light of that message so that India may grow in freedom and moral stature and the great objectives for which this Congress has stood may be fulfilled."

The resolution was moved by Mr. Shankarrao Deo, General Secretary of the Congress and seconded by Dr. Prafulla Ghosh.

Attempted Amendments.

1. Dr. Choitram-Gidwani (Sind) moved that a paragraph be added to the end of the resolution to the effect:

"The present salary of the Governor-General be reduced and that his house be converted into a home for the refugees from Pakistan or a hospital or a harijan home as desired by Gandhiji."

In the speech moving the amendment Dr. Gidwani explained that he only wanted to put into practice the Gandhian philosophy. He said that similar views were expressed by Mahatma Gandhi when he was alive and that he saw no reason why Gandhiji's idea could not be translated into action.

The President ruled the amendment to be out of order but said that Pandit Nehru would make a statement on the subject subsequently.

2 - 3. Mr. Vimalchand Jhanjhara (Indore) moved an amendment which provided for the addition of the word "province" after the words "without any distinction of" in the seventh paragraph of the resolution and the word "money" after "all hanker after" in the next paragraph.

In his speech moving the amendment Mr. Jhanjhara issued a warning against provincialism. He said that the Indian people had seen what a "great mishap" communalism brought to India and that the "demon of provincialism was raising its ugly head". He said that unless this last danger was dealt with strongly India might have to face another disaster.

4 - 5. Mr. Ansar Harvani (United Provinces) moved two amendments adding the words "and the establishment of a socialist republic" after "social and economic freedom" in the seventh paragraph of the resolution and also the word "socialist" after the word "democratic" in the ninth paragraph.

Moving the amendment Mr. Harvani stated that the Prime Minister had promised that, after the attainment of independence, the future structure of India would be based on socialism. He then said that he could not understand why in this objectives resolution no mention was made of the formation of a socialist republic.

6. Mr. Babubhai Patel (Gujerat) moved a verbal resolution suggesting that Congressmen exert every effort in order to achieve the great objectives which Congress had cherished under the guidance of Gandhi. He exhorted Congressmen of all India to further the great ideals expounded by the Father of the Nation.

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7 - 8 - 9. These amendments, proposed by three Congressmen, recommended that the Congress not indulge in "party politics" and suggested that it be specified that the Congress ideals were those taught by Gandhi and not those set forth at the time of the inception of Congress in 1885.

Debate in Subjects Committee.

Pandit Nehru discussed at some length the amendment proposed by Dr. Gidwani (Amendment 1). He said that it was planned to use the Government House not merely as a residence for the Governor-General but as a place to entertain distinguished foreign guests; to hold receptions on behalf of the Government of India; to locate some Government offices; and to hold exhibitions of various kinds. The Prime Minister also said that the Government had decided that the Governor-General should be paid Rs. 5,500 monthly free of tax (in contrast to his present salary of Rs. 20,000 of which Rs. 13,000 is paid to the Government as income tax).

Pandit Nehru was critical in his speech of the satyagraha (passive resistance) campaign of the R.S.S. He said that this campaign was a "negation" of the ideals of Gandhi. The Prime Minister also said that he was not afraid of Pakistan or any outsider but only of those dangers which lie within the country, such as the "narrowness" now exhibited by Indian young men exemplified in concentration on "petty things" rather than basic issues. According to Pandit Nehru this "narrowness" cost India its freedom in the past and might again be the cause of India's fall.

Sardar Patel was also extremely critical of R.S.S. activities. He said that he had

permitted

permitted the leader of the R.S.S., M. S. Golwalkar, to come to Delhi from Nagpur in order to discuss with him the future of the R.S.S. Sardar Patel stated that he had requested Golwalkar to clarify for him the objectives and constitution of the R.S.S. organization. Golwalkar did not give Sardar Patel the requested information but demanded that the ban on the R.S.S. be lifted immediately before negotiations were undertaken. After Nehru refused to see Golwalkar, the latter was ordered to return to Nagpur and, upon his refusal, the police were ordered to transport him to the foregoing city.

Debate in Plenary Session

The resolution was passed by the plenary session without any further discussion.

COMMENT

The reason for the introduction of this resolution is obvious: to attempt to re-imbue the rank and file of the Congress with the moral ideals of Gandhi and to recall to the average Congressman that the prestige of Congress among the Indian people is the result of the high moral plane on which it conducted its activities under Gandhi's inspiration.

The debate on the resolution brought to the fore the difficulties of reconciling the stated objectives of an opposition group, as Congress was before Indian independence, with the responsibility of governing a country of 300 million people beset with manifold problems. Before it came to power, Congress had put forward objectives which at the very least could be denominated semi-socialist. Now that it has formed the government, the more socialistic-minded among the Congress feel that little progress is being made in the socialization of the Indian economy. Moreover, many Congressmen, who attacked the display and splendor of the British regime in India, are not able to understand why the ceremonial and formality entailed by the maintenance of Government House should be continued in an independent India.

With

With reference to the remarks of Nehru and Patel on the RSS (Rashtriya Swayamsewak Sangh), it is only a step from the discussion of Gandhian ideals to a discussion of the activities of an organization which Nehru and Patel consider to be the very antithesis of Gandhian principles. At the time of the session, the RSS had just initiated a so-called "Satyagraha" movement against the authorities - a political weapon which, it will be recalled, Congress had used successfully against the British. It is ironical that a method of opposition hallowed in India, because it was initiated and developed by Gandhi, should be used against the Congress Government.

Annex no. 5

Resolution no. 5 Foreign Policy

The text of the resolution as passed by the plenary session of the Congress is as follows:

"The National Congress has, even while it was struggling for the freedom of India, associated itself with progressive movements and struggles for freedom in other countries. India's liberation was viewed as a part of the larger freedom of all the countries and peoples of the world. In particular, the Congress has stood in the past for the ending of all imperialist domination and colonial exploitation of any country or people, and has opposed fascism and all other tendencies which suppress the human spirit.

"The achievement of independence brought new responsibilities to India in international affairs and it became necessary to develop direct and closer contacts with other nations. The Congress welcomes these contacts and trusts that these will lead to mutual understanding and cooperation and the promotion of world peace.

"The foreign policy of India must necessarily be based on the principles that have guided the Congress in past years. These principles are the promotion of world peace, the freedom of all nations, racial equality, and the ending of imperialism and colonialism. In particular, the Congress is interested in the freedom of the nations and peoples of Asia and Africa who have suffered under various forms of colonialism for many generations.

"With a view to advance the cause of world peace and cooperation, India associated herself with the United Nations. This Congress declares its full adherence to the principles underlying the Charter of the United Nations.

"It

"It should be the constant aim of the foreign policy of India to maintain friendly and cooperative relations with all nations and to avoid entanglement in military or similar alliances which tend to divide up the world in rival groups and thus endanger world peace. Maintaining her freedom of action in foreign affairs and in the economic development of the country, India should continue to function as a member State of the United Nations, cooperating with other States in the maintenance of peace and freedom.

"In view of the attainment of complete independence and the establishment of the Republic of India, which will symbolise that independence and give to India the status among the nations of the world that is her rightful due, her present association with the United Kingdom and the Commonwealth of Nations will necessarily have to change. India, however, desires to maintain all such links with other countries as do not come in the way of her freedom of action and independence, and the Congress would welcome her free association with the independent nations of the Commonwealth for their common weal and the promotion of world peace.

"India is especially concerned with her neighbour countries of Asia and the Congress trusts that closer bonds of fellowship and cooperative effort for the maintenance of the freedom of Asian nations and their progress will be developed."

The resolution was moved by Mr. Shankarrao Deo, General Secretary of the Congress and seconded by Mr. Acharya Jugal Kishore. It was passed in both the Subjects Committee and the plenary session in the same form that it was approved by the Working Committee.

Attempted

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Attempted Amendments

(1) Mr. Jagan moved an amendment providing that India should continue association only with those countries of the Commonwealth "which offer India equal and honorable status". He argued that India should not remain in a Commonwealth - some of the members of which practised policies of racial discrimination.

(2) Mr. Mahesh Dutt Misra submitted an amendment which attempted to establish the principle that the fulfillment of the objectives of the United Nations could best be achieved by "non-violent means only".

(3) Sardar Mohan Singh Sahmi moved an amendment criticizing the United Nations because it contained two blocs. He recommended that India should protest against the existence of such groups and on no account should join either of the blocs. With reference to the Kashmir issue, he said that, although the United Nations had seen that Pakistan had sent its troops into Kashmir, it had taken no action against Pakistan.

(4) Algu Rai Shastri, in moving his amendment, said that India, having associated itself with progressive movements and the struggle for freedom of other dependent countries, should come forward and assume leadership of such nations. He added that a large country such as India had no alternative other than to play her full part in the attainment of freedom by weak and downtrodden nations.

(5) Mr. Mahadeo Rao, after declaring that it was not possible for India to align itself with either bloc, moved that the reference to India's relations with the Commonwealth in the resolution be deleted. He said that India could not remain within the Commonwealth since such association "was sure to bind the country in a manner harmful to the interests of India".

(6)

(6) Mr. Dindyal Khanna recommended that a sentence be inserted in the resolution expressing dissatisfaction with the manner in which the United Nations had tackled the Indian and Indonesian problems. He said that the attitude of the United Nations towards the Kashmir and Hyderabad questions was in reality a "threat to understanding among the nations and not helpful in the maintenance of peace".

(7) Mr. Vimalchand Jhanjhara, after declaring that India should remain neutral in case of a third world war unless she was attacked by a foreign power, asserted that no benefits would accrue to India from association with the Commonwealth unless the other nations recognized the importance of India and accorded her a "prominent place" in the Commonwealth.

(8) Mr. Bishwanath Das moved an amendment providing for the deletion of the clause in the resolution regarding the association of India with the independent nations of the Commonwealth. He maintained that, in spite of the goodwill of India, Britain was indulging in anti-India and pro-Pakistan propaganda. He concluded his speech with the statement that "when there was no response from the other side it is no use talking about the Commonwealth".

(9) Mr. Hira Singh Cheneria submitted an amendment which would substitute the word "world" in place of the word "Commonwealth" and called upon the people to end the imperialism and colonialism under which they had suffered for generations. He also declared that India should sever her links with the Commonwealth.

Debate in Subjects Committee

Pandit Pant, Premier of the United Provinces, delivered the first speech supporting the resolution. He stated that India could not stay out of the world family today and recommended that Indians "never let their tempers get the upper hand and make them do anything which might weaken India". He maintained that the United Nations

had

had not given India "full justice" but said that that was not ground for India to leave the United Nations. Regarding the association of India with the Commonwealth, he maintained that India had nothing to fear from such association and that, since it had to depend upon the U.K. for military supplies, association with the Commonwealth would make it possible for India to gain in military strength without losing sovereignty.

After Pandit Pant's speech three members of the Subjects Committee then delivered short addresses recommending that India dissociate itself completely from the Commonwealth.

Pandit Nehru also replied to the proposed amendments. He stated that no country in the world could remain completely independent or isolated and that the resolution as it stood was not inconsistent with the proclamation that India become an independent country. He also pointed out that, although India had been a member of the British Commonwealth for the past two years, no one had interfered with Indian foreign policy. Pandit Nehru continued with the statement that with the possible exceptions of the United States and Russia there was no country in the world today which was really independent.

Regarding Mr. Misra's amendment (seeking to establish the principle that the United Nations ideals could best be achieved by non-violent means) Pandit Nehru said that there was no point talking about non-violence in the present world context. He also said that India could not teach non-violence to the world when it had had "to shed blood a few months ago". According to the Prime Minister, although this may have been due to the wrongs of Pakistan, the fact still remains that blood was shed and in the circumstances Indians could not "preach to the world about the ethics of non-violence". Discussing further the question

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India's association with the Commonwealth, Pandit Nehru made the following statement:

> "If you think that I feel weak and am taking shelter behind the Commonwealth you are making a mistake. I advocate this policy because I feel that by keeping good relations with the Commonwealth countries I can serve the cause of peace and promote the welfare of all."

Pandit Nehru was firm in the defence of his policy of collaboration with the United Nations. He said that India had always supported the idea behind the United Nations; that a union of nations was a necessity; and that, if the present organization was broken, another had to be formed to take its place. He also took advantage of the occasion to defend the record of the Ambassadors whom India had appointed, declaring that the criticism against them was "baseless".

The Subjects Committee rejected all amendments other than those which were withdrawn by the movers and the resolution was passed, according to press report, by "an overwhelming majority".

Debate in Plenary Session

Pandit Pant, in moving the resolution in the plenary session, repeated the statement he made in the Subjects Committee that, although the United Nations had not done justice to India, India would continue to be a member of that organization. He said that India did not intend to join any bloc or group but would attempt to maintain cordial and cooperative relations with all nations. He recommended the formation of a "federation of Asia" with the objective of "raising the standard of the oppressed and weak". He concluded his appeal for the passage of the resolution with the assertion that its passage would raise India's status among the nations of the world.

The resolution, which was seconded by Hare Krishna Mahtab, was unanimously passed by the session.

COMMENT

COMMENT

The foreign policy resolution is of significance since it contains in brief form the most important principles of Indian foreign policy which have been enunciated since Indian independence. As listed in the resolution, these are as follows: opposition to imperialism, colonialism and racial discrimination; adherence to the United Nations Charter and support of the United Nations Organization; maintenance of friendly relations with all nations and the avoidance of entanglement with either of the rival groups in the international field; and development of closer bonds of friendship with the Asian countries. Another noteworthy provision in the resolution is that stating that Congress would "welcome the free association of India with the independent nations of the Commonwealth". The fact that the resolution was approved by the Congress indicates that the Government has obtained the endorsement by the Congress party of its policy of maintaining some kind of link with the Commonwealth. The further implications of this portion of the resolution have been discussed at some length in the section of the covering despatch entitled "Foreign Policy" beginning on page 11.

According to a number of persons who were present at the Congress session, the debate which took place on this resolution was the most spirited of any of the debates with the possible exception of that on resolution no. 15 "Standards of Public Conduct". It is revealing that most of the members who spoke on this resolution advocated - sometimes in violent terms - that India sever all connections with the Commonwealth. The reasons for this attitude are apparent: the average Congressman, who has devoted a number of years to the struggle against the British, cannot understand why it would be desirable for India to maintain any sort of connection, even the most tenuous, with

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Annex no. 5

Great Britain. Moreover, some critics of Indian foreign policy fear that India's link with Commonwealth might hinder the development of closer relations with India's natural friends - the other countries of Asia. Such critics feel that India could not assume its position of leadership of the Asian countries if it maintains any sort of connection with the so-called imperialistic country of Great Britain and, through Great Britain, with the other European countries who possess colonies in the Far East.

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Annex no. 6

Resolution no. 6 Foreign Possessions in India

The text of the resolution as passed by the previous session of the Congress is as follows:

"The chequered course of India's history during the last two hundred years or more has left certain foreign possessions in various parts of the country. These foreign possessions continued for this long period because India herself was under alien domination.

"With the establishment of independence in India the continued existence of any foreign possession in India becomes anomalous and opposed to the conception of India's unity and freedom. Therefore it has become necessary for these possessions to be politically incorporated in India and no other solution can be stable or lasting or in conformity with the will of the people. The Congress trusts that this change will be brought about soon by peaceful methods and the friendly cooperation of the Governments concerned. The Congress realises that during this long period administrative, cultural, educational and judicial systems have grown up in these foreign possessions, which are different from those prevailing in the rest of India. Any change-over therefore must take these factors into consideration and allow for a gradual adjustment which will not interfere with the life of the people of the areas concerned. The Congress would welcome present cultural heritage of these possessions to be continued, in so far as the people of those possessions desire, and for a measure of autonomy to be granted, whereever possible, so as to enable the people of those possessions to maintain their culture and institutions within the larger frame-work of free India."

The

The resolution was moved by Mr. Shankarrao Deo, one of the General Secretaries of the Congress and seconded by Acharya Jugal Kishore, the other General Secretary.

Attempted Amendments.

1. Mr. Kelappan moved an amendment which would provide for the support of the Congress to the people of the foreign possessions in the non-violent movement for their merger with the Indian Union. Mr. Kelappan referred to the recent municipal elections in the French colonies and expressed his apprehension that the forthcoming referendum in these colonies might be managed in an undemocratic manner. He suggested that the referendum be held under the joint auspices of the Government of India and the Governments of the areas concerned.

2 and 3. Mr. Algu Rai Shastri moved two amendments: one providing for the deletion of the words "wherever possible" from the last sentence of the resolution and another adding the words "to form an integral part of India" at the end of the resolution. In his speech Mr. Shastri said that the use of the words "wherever possible" weakened the resolution and urged the Committee to express the voice of the Congress "in a firm tone". According to Mr. Shastri the purpose of his second amendment was to make it clear that foreign possessions should ultimately be integrated into India like other areas of the country.

4. Mr. R. K. Sidhwa moved an amendment providing for the deletion of the sentence "any change-over, therefore must take these factors into consideration and allow for a gradual adjustment which will not interfere with the people of the areas concerned" and the substitution of the following:

"The

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> "The Congress realizes the intense feelings prevailing among the people of these possessions in merging with the Indian Union and trusts that this change will be brought about."

He said in his speech moving the amendment that if the foreign powers do not quit gracefully they may be forced to leave "by whatever means possible".

5. Dr. G. K. Jetley moved an amendment providing for the deletion of the following words from the fourth sentence of the resolution:

> "and no other solution can be stable or lasting or in conformity with the will of the people."

He declared that the purpose of his amendment was to emphasize that, with the establishment of independence in India, political incorporation of the foreign possessions into the Indian Union was absolutely necessary.

6. Mr. S. Pillai supported the amendment of Dr. Jetley and drew an analogy between the problem of foreign possessions and that of the Indian States. According to him Congress by its support of the States peoples movement had achieved integration and merger of the States in a short time and that, if it did not likewise extend its support to the peoples of the foreign possessions in India, the incorporation of these areas into the Indian Union would be retarded.

Debate in Subjects Committee.

Mr. S. K. Patil, member of the Congress Working Committee and Bombay Provincial Congress leader, delivered his first speech replying to the amendments. Mr. Patil said that any change in the resolution would "spoil the very purpose of the resolution for which it was drafted by the Working Committee after due deliberation". He said that the question of the foreign possessions in India - not so simple as that of the States - raised an international issue.

According

According to Mr. Patil the resolution clearly laid down that foreign possessions would have to be an integral part of India. Regarding the portion of the resolution dealing with the continuance of the culture of the colonies he said that Congress was ready to grant autonomy to those possessions if the people so desired. He added however that this offer could not apply to the smaller possessions - they could not expect any autonomy as they were too small for it.

In response to a request from the President, Pandit Nehru also spoke on the resolution. Pandit Nehru admitted that the problem of the foreign possessions in India was an intricate one but maintained that "in the large context of India" it was not a really difficult problem. The Prime Minister then said that the movers of the amendments "would probably not always find support among the people of the foreign possessions" as he doubted that some of the amendments would be welcomed by the people. He continued with the statement that the movers "got into the position of championing the cause of some people who did not want them to champion it at all."

One of the most significant portions of Pandit Nehru's speech is as follows:

> "What is the major issue before us? It is quite inevitable that these foreign possessions should cease to be foreign and should be incorporated politically with India. That is a big thing. That is the policy which India must necessarily adopt because we cannot admit any foreign foothold on the continent of India, but to give effect to that policy we have to pursue international methods. We have to deal with foreign Governments. As a Government and as a great organization

which is

which is intimately connected with that Government, we cannot proceed in a non-governmental way. It is for the people of those territories to do what they like, but we cannot go about approaching this problem in a non-governmental way."

The Prime Minister also asked Congress to consider the question of foreign possessions in India in conjunction with the broader question of the ending of imperialism and colonialism everywhere and particularly in Asia. He said that Indians were quite clear in their mind that "the continuation of imperialism or colonialism in any part of the world, more especially in Asia was dangerous" and that this would continue to be the broad policy of the Government.

The Prime Minister touched upon two other points in his speech. First he said that although Indian policy must be directed to the end that no foreign power should have any colonial territory in the continent of Asia it might take some time for the change over and that any violent attempt to hurry that process might delay them and lead to a great deal of suffering. The second important point made by Nehru was that the people of the foreign possessions should be given an opportunity "to live a full cultural life as they chose". He pointed out that some of the foreign possessions in India had been under foreign political and cultural domination for 400 years and that their institutions, political, educational, linguistic and cultural had been powerfully influenced by this domination. He concluded his speech with the remark that it is up to the people of the foreign possessions to continue their French or Portuguese culture and that they should be given an opportunity if they chose to do so. He recommended that the resolution be passed in its present form.

After the conclusion of Pandit Nehru's speech all amendments were withdrawn and the resolution was passed unanimously by the Subjects Committee.

Debate

Annex no. 6

Debate in Plenary Session.

The resolution was moved in the Plenary Session of the Congress by Mr. S. K. Patil and seconded by Mr. R. K. Sidhwa. Mr. Patil in his speech admitted that the cultural differences between the people in the foreign possessions and in the Indians called for "a gradual readjustment" and that any solution by force would lead to international complications. Consequently the problem could only be solved through the accepted method of international cooperation and understanding. Mr. R. K. Sidhwa in seconding the resolution said that it should be left to the Government to bring about the incorporation of the possessions in the Indian Union in the "best possible manner".

The resolution was passed unanimously.

COMMENT

It can be concluded from the resolution, and from the debate regarding it, that the Congress organization is determined to incorporate eventually the Portuguese and French possessions in the Indian sub-continent into the Indian Union. It is believed that this is the only reasonable conclusion in view of the statement in the resolution "therefore it has become necessary for these possessions to be politically incorporated in India...". Moreover in his speech on the resolution Pandit Nehru said that it was inevitable that the foreign possessions in India would be politically incorporated with India. The fact that Congress is the party in power and that Pandit Nehru, the Prime Minister and Minister for External Affairs and Commonwealth Relations, endorsed the resolution indicates that eventual absorption of these territories will also be the objective of the Indian Government.

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One interesting aspect of the resolution is the assumption made in it that the people of the foreign possessions desire to become a part of the Indian Union. It is stated in one sentence of the resolution that no solution (other than political incorporation in India) "can be stable or lasting or in conformity with the will of the people". In other words the Congress does not say that the people of the foreign possessions should be given an opportunity to express their preference as to their future but assumes - on what basis it is not known - that they want to become a part of the Indian Union.

The other important point which arose in the debate is the willingness of the Indians - once the French and Portuguese possessions have been absorbed in the Indian Union - to allow the inhabitants of these possessions to have "a measure of autonomy" to maintain their culture and institutions. The Prime Minister also indicated that the foreign colonies when merged into India would be permitted "to live a full cultural life".

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Annex no. 7

Resolution no. 7 Indians In South Africa

The text of the resolution as passed by the plenary session of the Congress is as follows:

> "This Congress has noted with deep regret that the Government of the Union of South Africa continues to treat its Indian citizens in disregard of acknowledged human rights and of the principles laid down in the Charter of the United Nations. That Government has ignored the wishes of the General Assembly of the United Nations and even challenged the fundamental principles on which the United Nations Organisation is founded. This repudiation of a vital principle, if persisted in, can only lead to bitter and far-reaching racial conflicts and may even result in the break-up of the United Nations Organisation.
>
> "The Congress expresses its full sympathy with all those who have suffered by the policy of racial discrimination of the Government of the Union of South Africa."

The resolution was moved by Mr. Shankarrao Deo. It was passed unanimously by both the Subjects Committee and the plenary session in the same form that it was approved by the Working Committee.

Attempted Amendments.

(1) Mr. Shibbanlal Saksena moved an amendment that the words "and assures them that it will not be content until this policy of racial discrimination against them is ended and full rights of citizenship are guaranteed to them" be added at the end of the resolution. In his

address

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address moving the amendment Mr. Saksena said that all sympathized with the miserable condition of Indians in South Africa but regretted that they were unable to do anything to redress their difficulties. He said that the Indian Government should change its present attitude and see that full citizenship rights were secured to their Indian brethren in South Africa.

(2) Mr. Mata Prasad moved an amendment that the words "the Congress expresses full sympathy with all those who suffered from racial discrimination in South Africa and pledges to render all help to them in the future" be added to the end of the resolution. In his speech Mr. Prasad said that he came to the platform determined not to withdraw his amendment. He recalled to the audience that Gandhi had started his life in South Africa and had to undergo manifold difficulties. He concluded with the statement that mere words in the form of a resolution would not help their suffering brethren and that, if the Indian Government had real sympathy towards these Indians in South Africa, it should help them through practical means.

(3) Mr. Algu Rai Shastri moved an amendment adding the words "and the Congress urges the Government of India to take effective measures to protect Indians in South Africa against the injustice meted out to them" to the end of the resolution. Mr. Shastri said that instead of showing lip-sympathy with the Indians in South Africa the Government of India should do something practical and effective to help them. He appreciated that the External Affairs Ministry was doing its best and that Mrs. Pandit had advocated their cause with vigor and ability but felt that something more could also be done.

Debate in

Debate in Subjects Committee

Mr. Seth Govind Das, supporting the resolution, said that the Congress critics failed to appreciate the situation prevailing in South Africa. He added that the policy of the GOI and its application of economic sanctions had had great repercussions in South Africa. He asserted that the next step, if at all necessary, would be nothing short of war but that the situation in India vis-a-vis the international situation did not permit any such step. He pointed out that even Gandhi did not advocate that the Government of India do more than it has already done for the South African Indians except, of course, to extend moral support. He recommended that the Indians in South Africa, instead of looking towards India, should establish closer relations with the people of South Africa and identify their interests with those of the South Africans; that such action would go a long way in not only achieving their democratic rights but "in driving away the imperialist forces reigning there".

Mr. Bababhai Patel expressed regret that the GOI was not taking proper steps to accept the challenge thrown by the Government of South Africa. He said that today, when the Government of India was in power, strong steps should be taken to put an end to racial discrimination.

The official resolution was unanimously adopted by the Committee.

Debate in Plenary Session

Mr. Seth Govind Das also moved the resolution in the plenary session. He said that the South African Government had "defied the decisions of the United Nations and even the fundamental

principles

principles of the United Nations". He appealed to the United Nations to take strong action against the South African Government.

Mr. Ranjibhai Patel, a follower of Gandhi in South Africa, seconded the resolution and it was unanimously passed.

COMMENT

It is difficult for persons who have not resided in India or who have not come in contact with numbers of Indians to realize the intensity of their feeling regarding the discriminating practices of the South African Government against Indians in that country. The feeling of resentment against South Africa is shared by every Indian with whom the subject has been discussed by Embassy officers including the comparatively dispassionate officials of the Ministry of External Affairs and Commonwealth Relations. The resolution, as well as the debate regarding it, is a concrete example of the feeling of frustration engendered by the inability of the Government of India to assist effectively the Indians of South Africa to improve their status under South African law.

One of the most unfortunate aspects of the South African problem from the American point of view is the fact that it increases the latent anti-western sentiments of many Indians and emphasizes what a number of Indians consider to be a fundamental conflict in interests of the "white" West and the "colored" East.

Annex no. 8

Resolution no. 8 Indonesia

The text of the resolution as passed by the plenary session of the Congress is as follows:

> "The Congress sends its greetings to the leaders and people of the Indonesian Republic, who have struggled for their freedom against great difficulties during the past three years. It assures them of its complete sympathy for their cause. The people of Indonesia have been culturally associated with the people of India for ages past and it is a matter of the utmost concern to India that Indonesia should attain her full freedom and take her rightful part in Asian and international affairs."

Mr. Shankarrao Deo moved the resolution. It was passed unanimously by both the Subjects Committee and the plenary session in the same form that it was approved by the Working Committee.

Attempted Amendments.

(1) Mr. Ansar Harvani submitted an amendment which was defeated. The text of the amendment, however, is not available to the Embassy.

Debate in Subjects Committee.

There was no discussion of the resolution in the Subjects Committee.

Debate in Plenary Session

Acharya Jugal Kishore, Joint General Secretary of the Congress, moved the resolution in the Plenary Session. In his speech he said that it was a matter of utmost concern to India that Indonesia should attain its freedom and take her part in Asian and international affairs. He added that the Dutch Government should realize that in the world of today it was not possible for one country to rule another.

Mr. G. S. Deshpande (Maharashtra) in seconding the resolution expressed the hope that the Indonesian people would soon be free and assured them that India would do its best to help them achieve their freedom.

COMMENT

See Annex no. 19 for comment on this resolution.

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Annex no. 9

Resolution no. 9 States

The text of the resolution as passed by the plenary session of the Congress is as follows:

> "The Congress welcomes the developments that have taken place in regard to the States in India, resulting in the ending of the Indian States system which the British Government had built up early in the 19th century. While welcoming this process of integration, merger and union, so as to make the States approximate to the provinces, the Congress trusts that all feudal relics and impediments to the free development of the people will be removed."

The resolution was moved by Mr. Shankarrao Deo, Joint Secretary of the Congress, and seconded by the other Joint Secretary, Mr. Acharya Jugal Kishore.

Attempted Amendments

1. Mr. Ratnappa Kumbhar moved an amendment substituting the clause: "and there should not remain any distinction between the provinces and states in the constitution of India" for the following clause in the resolution: "so as to make the states approximate to the provinces". In his speech moving the amendment Mr. Kumbhar said that the objectives resolution approved by the Constituent Assembly provided that India should be a cooperative commonwealth of equal units. Consequently, any distinction between the provinces and states would be inconsistent. He added that the process of the reconstitution of provinces on a linguistic basis would be hindered by any distinction between provinces and states.

2. Mr. Satrughna Sinha moved an amendment providing that the question of merger or union of states should be decided by a constituent assembly elected on the basis of adult franchise.

3. Mr. R. K. Sidhwa recommended that the Government of India frame a model constitution for adoption by the states. He maintained that the adoption of this practice would remove anomalies and ensure that constitutions established in the states would be in conformity with the constitution of independent India.

4. Mr. Govind Prasad Srivastava, a member from the Indian states, demanded that all decisions regarding the rulers and the Rajpramukhs should be left to a constituent assembly elected on adult franchise in each of the unions. He asserted that the fact that the people of the respective states were not taken into the confidence of the Government in forming the unions necessitated a revision in the present policy of the States Ministry.

5. Mr. Sunder Lal moved an amendment providing that the Constituent Assembly of India should draft the various state constitutions.

6. Mr. Bansilal Mahodaya moved an amendment recommending that the States Ministry disassociate itself from the reforms which are being introduced in the states and that the states' people be empowered to decide their own future.

7. Mr. Jwala Prasad advocated that states be merged in the provinces or formed into "full-fledged provinces".

8. Sardar Zail Singh demanded that all the states be merged with neighboring provinces and, where this was not possible, that the privy purse of the Rajpramukhs or the rulers be reduced to the level of the provincial governors

9. Mr. Balkrishna Sharma moved an amendment providing for the addition to the resolution of the following sentence: "the Congress further trusts that, after the formation of viable units, democratic Government based on adult suffrage will be established in the units".

Debate

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Annex no. 9

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Debate in Subjects Committee

Sardar Vallabhbhai Patel, Minister for States, defended the policy of the national Government towards the Princely States in a 45 minute speech before the Subjects Committee. Sardar Patel said that his experience during the last year had confirmed his opinion that the rulers would never stand in the way of the progress and prosperity of the States. He said:

> "Even when I was fighting them I knew it for certain that some of the rulers were as patriotic as ourselves. As the British quit they worked in cooperation with us for the general progress of the country".

In support of his statement that the rulers were eager to cooperate with the Government of India Sardar Patel mentioned the cases of the Maharaja of Bhavanagar, the present Governor of Madras; and of the Jamsaheb of Nawanagar, who served as one of the Indian representatives to the United Nations.

Sardar Patel then asked why, if cooperation was forthcoming from the rulers, they should be asked to abdicate. He then asserted that the "sound policy" adopted by the States Ministry was in the interest of the people as a whole, both of India and of the states. In this connection he mentioned that he has given his word of honor to the rulers that he would do nothing to lower the prestige of the Maharajas and that nothing would be done without their consent.

With reference to the question of the establishment of responsible government in the states, Sardar Patel said that although responsible Government existed today in most of

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the states these responsible governments did not always work satisfactorily. He pointed out that before the advent of Indian independence the states' people did not have even elementary democratic rights except in a few large states and that it was difficult to set up popular governments immediately in the great majority of states, as popular governments could not be imposed from above.

With reference to the charges leveled against the States Ministry that it had not established a responsible government in the Patiala and East Punjab States Union Sardar Patel said that this was a difficult issue and that care should be exercised in dealing with it. He stated that there were two considerations in so far as the establishment of responsible government in this union was concerned:

(1) It was situated on the border of Pakistan and was the source of a large number of recruits into the Indian armed forces.

(2) There were a number of rival parties in the Patiala Union who quarrelled among themselves.

Sardar Patel maintained that while such disputes continued it was not judicious to impose a Ministry in Patiala and create further complications in an area on the border of Pakistan.

Regarding Bhopal the Sardar stated that allegations and counter-allegations had been made and that it was alleged that a campaign for the merger of the state was being carried on in his name. On the other hand it was granted that the Ministry in Bhopal was reactionary; worked hand in glove with the Nawab; persecuted those persons campaigning for merger and put them in prison on the pretext that they were members of the RSS. The

Sardar

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Sardar said that the present atmosphere in Bhopal was the result of an internal quarrel and no purpose would be gained by putting the blame on the Ministry of States or elsewhere.

Briefly referring to the centrally administered area of Cutch Sardar Patel said that, although the state was extremely backward, it possessed many resources which could be developed and that many refugees could be settled there. He said that the establishment of responsible government was out of the question in Cutch in view of the backward nature of the state. Another reason why it was advisable for the central Government to administer the state was the necessity of developing a major port in that area of India in view of the loss of Karachi and the inability of Bombay to cope with the heavy export-import traffic from the west coast of India. According to the States Minister the reasons which he gave for the necessity of administration by the central Government in Cutch were also applicable to Jaisalmer State.

Sardar Patel defended the policy of his Ministry regarding the privy purses allotted to the rulers and said that in Saurashtra alone the fixing of the privy purses of the rulers had resulted in an annual saving of Rs. 7,500,000 to the State treasury. He recommended that the Subjects Committee accept the resolution in its original form, asserting that the amendments would not be of help to India and that the original resolution and the policy of the States Ministry had been "in conformity with our old historical traditions". He concluded his address with the rhetorical questions: "Who will like to scrap our own history?" and "Who amongst us does not take pride in our history and cultural heritage?"

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The resolution was approved by the Committee in its original form, all amendments having been either withdrawn, ruled out, or lost.

Debate in Plenary Session

Mr. Balwantrai Mehta (Saurashtra) moved the resolution in the plenary session. It was seconded by Mr. Santisaran (Rampur). In contrast with the majority of the resolutions dealt with in the Congress there were a number of amendments to the resolution submitted in the plenary session. These amendments were as follows:

1. Mr. Harbans Lal (Patiala) moved an amendment providing that popular ministries be formed in the unions of states.

2. Mr. Duli Chand (Kotah) stated that the formation of unions of States would do no material good to the people unless responsible governments were formed there.

3. Mr. Vinod Rai (Patiala) said that work started in the states should continue until such time as the states fell in line with the provinces. He advocated the merger of the Patiala Union with the East Punjab.

4. Dr. T. S. Parmar (Himachal Pradesh) submitted and then withdrew an amendment criticising the Governmental authorities for their indifferent attitude toward the political sufferers in the states. He said that while great amounts of money were being spent for the comforts of the princes and high officials, political sufferers were living on the verge of starvation.

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5. Mr. Gianchand (Patiala) moved an amendment, which was ruled out of order by the President, referring to "bad administration" in the Patiala Union and asking for the establishment of responsible government there. He said that the people as well as the Government of the Patiala Union were backward in their outlook and, without a popular government, no progress or democratic freedom could be expected in that union.

6. Mr. Satya Deo (Himachal Pradesh) was critical of the present administration of Himachal Pradesh and expressed the hope that a responsible government would soon be formed there.

7. Mr. Sitaram Trivedi (Banaras) recommended that Banaras State be merged with the United Provinces.

Sardar Vallabhbhai Patel, the Minister for States, replied to the debate. He reiterated his statements made in the Subjects Committee regarding the great changes which had taken place in the states and said that none of the speakers seemed to realize the significance of the changes. He stated that the mere fact that the Congress session was being held in Jaipur showed the difference between the past and present, since a session of the Congress had never before been held in one of the princely states. To substantiate his statement regarding the great changes in the states Sardar Patel referred to an incident years ago when the ruler of the small state of Sachin had prohibited the Congress from holding a meeting of the Congress Working Committee in the State. Sardar Patel then said that he had had many struggles with the various Indian states and had realized that the first task in connection with the

states

states was to remove the British. He pointed out that subsequent events had confirmed his beliefs and that the rulers had "seen the signs of the times and harmoniously moved with the current".

Referring specifically to the criticism made in reference to Rampur State, Sardar Patel said that the Muslim ruler of Rampur, a small state in the United Provinces, was one of the first to sign the instrument of accession to India despite the pressure of his Muslim subjects to accede to Pakistan. He continued with the remark that the relations between the Government of India and the Nawab were very cordial and that the ruler was prepared to do anything which the States Ministry might direct. Consequently, according to the Sardar, it would not be fair or dignified on the part of the Government to exert any pressure on such a small State.

Sardar Patel stated that the United Provinces Congressmen had over emphasized the importance of the question of merging Banaras in the province. Sardar Patel said that he asked the Congressmen who had broached the subject of the merger of Banaras to him whether their entire future happiness and prosperity depended upon the merger of the state. He said that he could have effected the merger in a few hours but did not know how merger could add to the prosperity of the people.

Regarding the criticism voiced of the administration of Himachal Pradesh Sardar Patel said that there were not enough competent personnel in the Province who could take over the administration of the area. He said that the next best thing was for the Government of India to take over the administration and that an ICS official had been sent there. Sardar

Patel

Patel said that it had been complained that the ICS man was an official but these critics forgot that he was a trained and disciplined Government employee who carried out the directives of the Government. Bhopal, according to the Sardar, was also a small issue.

Sardar Patel in his address also touched upon the question of the establishment of a responsible administration in the Patiala States Union. He said that in view of the strategic importance of the area it was not possible to hand over the administration to untrained hands, whose leadership would be challenged by powerful factions. He stated that the Ministry of States could not be held responsible if there was no unity among the peoples' representatives with the result that the latter could not form a government.

Regarding the Rajasthan Union, Sardar Patel said that this question was engaging the attention of the Ministry of States. He said that he did not see any danger which the rulers might offer but that he did see danger in "bad administration by ill-equipped and untrained representatives of the people". The Sardar advised all Congressmen to prepare and equip themselves to take over the responsibility of Government in the Rajputana States; otherwise the country would be faced with more problems and trouble in the future.

Sardar Patel again reiterated at this point that the rulers of the princely states had whole-heartedly cooperated with the Indian people in the great task of the unification of India and that their action should be recognized and appreciated.

"We must not," Sardar Patel said, "try to break the promises we have given to the rulers. As men of honor, we should stand by our pledge. If we break them we shall be unworthy, as representatives of a big nation, to rule ourselves. It shall be the duty of every

Congressman

Congressman to work in peace and harmony and thus strengthen the country. Dissensions must be avoided."

Sardar Patel concluded his address with the expression of his belief that the problem of the jagirdari system - like the zamindari problem - could be solved by mutual understanding and a correct approach.

After Sardar Patel's speech the resolution was passed by the plenary session.

COMMENT

It will be observed from the foregoing description of the debate that, in contrast to that on the other resolution, the delegates to the session were permitted to offer amendments in the plenary session of the Congress. It is believed that they were given this latitude as the Congress leaders wished to allow as much discussion as possible on the resolution on the States since this was the first time that a Congress session has ever been held in one of the Princely States.

In general, most of the members offering amendments desired the establishment of "popular government" in all the states and unions of states. Since it is generally accepted that elections cannot be held for some time - the purely mechanical process of establishing electoral rolls will require some months - it is obvious that the persons submitting amendments desire the establishment of so-called "interim administrations". As Congress is the strongest and in some cases the only political organization in the states, the establishment of interim administrations would almost exclusively mean the setting up of interim administrations headed

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by Congress leaders. Consequently, many of the delegates from the states would be included in the states administration if interim governments are established. This fact to a certain degree explains their interest in this problem.

Up to the present there have been interim administrations established in some of the states and the unions of states. These have not been successful in all cases. For example, the interim Congress administration in the State of Kolhapur has been subjected to wide-spread criticism because of its failure to maintain law and order in the state during the troubled period immediately following the assassination of Gandhi. Mr. V. P. Menon himself admitted that the functioning of the interim administration in many states had not been satisfactory because, as he phrased it, such administrations "were responsible to no one". Moreover, many of the states Congress leaders have had no experience whatsoever in public administration and are certainly not noteworthy for their outstanding abilities. Consequently, the Embassy considers it unlikely that interim administrations will be established in the states unless the pressure from the Congress becomes so strong that the Ministry of States is unable to withstand it.

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Annex no. 10

Resolution no. 10 Sufferers from Partition

The text of the resolution as passed by the plenary session of the Congress is as follows:

> "This Congress records its deep sorrow at the death, by internecine conflict, of vast numbers of the people of this country belonging to every religion, during the disturbances that preceded and followed the Partition. The Congress extends its heartfelt sympathy to all their relatives and to all the refugees who have suffered untold misery and lost all they possessed, and borne their sufferings with fortitude. While appreciating the work that the Central, Provincial and State Governments have done to give relief to and rehabilitate these refugees, the Congress trusts that every effort will be made both by Government, Congress organisations and people to expedite this work, and more particularly that children and young people will be specially cared for and given opportunities of education and development."

The resolution was moved by Sardar Pratap Singh, member of the Congress Working Committee and Minister for Rehabilitation in the East Punjab Government. It was passed in its original form by a large majority in the Subjects Committee in the same form that it was approved by the Working Committee.

Attempted Amendments

(1) Mr. R. K. Sidhwa submitted an amendment providing for the early settlement of refugees in properly constructed houses. He also demanded that proper facilities be given for the education of refugee boys and girls and the early employment of refugee adults.

(2)

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(2) Mr. Abdul Ghani moved an amendment which provided that those Muslims who had opposed Pakistan and had suffered in the days of communal fanaticism should be treated as displaced persons and covered by the resolution together with refugees from Pakistan.

(3) By a second resolution Mr. Ghani demanded that the sentence in the resolution extolling the Relief and Rehabilitation work of the Central and Provincial Governments be deleted from the resolution. At the same time he asked that the Muslims of Mewat, East Punjab and other parts of India should be placed on an equal footing with the refugees. (Sardar Patel interjected at this time to state that they should not indulge in communalism as India was a secular State).

(4) Mr. Jagat Narain Lal moved an amendment providing for the insertion in the resolution of the following sentence:

> "The Congress deplores the situation which is responsible for the influx of refugees from Pakistan to this country and expects that the Pakistan Government will appreciate the attitude of the Indian Union Government in this respect and reciprocate the same spirit of cordiality and tolerance."

In his speech moving the amendment Mr. Lal said that the first task of the various Inter-Dominion Conferences should be to prevent the influx of refugees from Pakistan.

(5) Mr. Nathulal Jain submitted an amendment demanding that Gandhinagar [the "city" constructed especially for Congress Session a few miles from Jaipur] be handed over to the refugees for their rehabilitation.

(6) and (7)

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(6) and (7) Giani Gurmukh Singh Musafir in two amendments demanded that the refugee problem should be treated on an emergency basis and that immediate steps should be taken for the early rehabilitation of refugees. In his speech moving the two amendments he said that despite the efforts of the Government the conditions of the refugees in camps continued to be the same as before.

(8) Mr. Ajit Prasad Jain in his amendment mentioned the problem of abducted women and children. He maintained that abducted women who were still suffering in Pakistan deserved special mention along with the refugees.

(9) Mr. Shibbanlal Saksena submitted an amendment providing for the addition of the following paragraph at the end of the resolution:

> "This Congress particularly expresses its sense of horror at the brutal outrage against women committed during the disturbances and feels grieved at the extremely slow progress of the work of restoration of abducted women to their original guardians. The Congress sends its message of sympathy and cheer to all these unfortunate sisters wherever they may be and assures them that the Congress shall not rest content until everyone of them has been restored to their rightful guardians."

He also wanted to delete the words "belonging to every religion" in line 2 of the resolution.

(10) Mr. Narendra Nath Sen (West Bengal) wanted to add the following paragraph to the end of the resolution:

> "This Congress urges the Indian Dominion Government to put pressure on the

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Pakistan Government to take immediate steps to put a stop to the exodus of Hindus and create a situation congenial for the immigrant Hindus to return to their homes and for this purpose to take up this matter with the U.N. if necessary."

In his speech Mr. Sen alleged that Pakistan forces crossed the West Bengal border, opened fire, forcibly removed women and property in the area on the borders of Tripura and Assam. He also maintained that the condition of Hindus in East Bengal was "unbearable".

(11) Dr. Choithram Gidwani moved an amendment which would authorize Congress organizations to help the Government in the work of rehabilitation.

(12) Mr. Roopatlal Mehta moved an amendment which provided that the following words be added to the resolution:

"Further, this Committee advises the Central Government to issue instructions to carry on this huge work with sufficient strength."

(13) Mr. Nandlal moved an amendment providing that the following sentence be added to the resolution:

"The Congress feels that the problem is not being properly handled by Government servants."

(14) and (15) Dr. Lehna Singh moved two minor amendments which made it plain in his opinion that the Congress recognized that the refugee problem had not yet been solved.

(16)

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(16) Dr. Sethi moved an amendment providing that the Central Government should levy a "liberty tax" for the rehabilitation of refugees. He added that if the imposition of a "liberty tax" was not practicable the Government should at least start a State lottery to help the refugees.

(17) Sardar Zail Singh (Patiala) moved an amendment which provided that the land and houses left by Muslims in Patiala and East Punjab should be given to the refugees. In his speech he criticized the activities of the East Punjab Government in the allotment of land and houses to the refugees.

Debate in Subjects Committee

Sardar Pratap Singh, member of the Congress Working Committee and Minister for Relief and Rehabilitation in the East Punjab, was the first Congress leader to reply to the amendments. After declaring that the refugee problem was a gigantic one unprecedented in the history of the world, he added that the Central and provincial Governments were exerting every effort to solve the problem. In reply to criticism of the East Punjab Government's policy, Sardar Pratap Singh said that the East Punjab Government was tackling the problem in the best possible way. He maintained that since the work of allotment of houses and land was being carried on by committees consisting mainly of Congress members of the Legislative Assembly it was impossible for favoritism to be shown.

Mrs. Sucheta Kripalani [wife of the ex Congress President Acharya J. B. Kripalani] narrated her experiences during the last two years in working with refugees. She defended the action taken by the Congress to help refugees. She said

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that although Congress at the beginning had helped a large number of refugees and had managed several refugee camps it had turned these duties over to the Government in accordance with the belief of Gandhi that the rehabilitation of refugees was the responsibility of the Government. She ended her speech with a commendation of the resolution to the Committee.

Sardar Patel had delivered a forcible speech in which he said that if conditions were not created as were suitable for the Hindus to live in East Pakistan, the Pakistan Government must give up some territory for the settlement of refugees. He maintained that there was not a single Hindu or Sikh left in West Pakistan but that about 15 million Hindus still were residing in East Bengal. He said that if all these people leave Pakistan India could not possibly solve the problem which would ensue. He also declared that he had suggested that a part of East Pakistan be handed over to India for rehabilitation of refugees because "the honor of the Hindus is at stake" in East Bengal. He said that if Pakistan did not approve of this solution it was up to the Pakistan Government to suggest another course. Continuing on the subject of migrants from the East Bengal Sardar Patel declared that the Government could provide for the refugees from West Pakistan but that the refugees from East Bengal must return as India could not bear the burden of such a huge problem.

After the speech of Sardar Patel the resolution was adopted by a large majority.

Debate in Plenary Session

Sardar Pratap Singh also moved the resolution in the Plenary Session of the Congress. He said that the rehabilitation of seven million five hundred thousand people was a colossal task but

maintained

maintained that the Central and provincial Governments would not rest content until all refugees had been rehabilitated. Mr. N. V. Gadgil, Minister for Works, Mines and Power, supported the resolution while Mrs. Sharda Bhargava said that the people of India should leave no stone unturned in absorbing the refugees in the economic life of India. Mr. Roshan Lal Vyas in his speech was critical of the slow speed of relief accorded to refugees from West Pakistan and appealed to the Government to take necessary steps for the return of non-Muslim women who are still in Pakistan. Mr. Balachandra Sharma (Calcutta) made an appeal that every family accommodate at least one refugee in its home.

Mrs. Sucheta Kripalani asserted that the refugee problem was becoming more difficult every day and that rehabilitation work was not proceeding with the expected speed. She expressed shock at the feeling of hostility towards the refugees and said that the Indian people must realize that these people had not become refugees through their own choice. Miss Mridula Sarabhai extolled the work done by the Government in affording relief to the refugees. She expressed the opinion that the refugee problem could not be effectively solved unless the Central Government tackled it on an emergency basis.

Mr. Ranbir Singh Mehta complained that the provincial governments were not exhibiting either enthusiasm or cooperation in solving the rehabilitation problem.

Mr. Nalinaksha Sanyal (West Bengal), referring to the sufferings of refugees of East Bengal, suggested that the Indian Government extend citizenship rights to the people to prevent any further exodus. He also suggested that the task of rehabilitation be turned over to a public

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trust. The last speaker, Mr. Narendra Nath Sen, appealed to the Government of India to pay special attention to the problem of East Bengal Hindus.

The resolution was passed unanimously.

COMMENT

The debate in the Subjects Committee and in the plenary session clearly evidenced that there is widespread dissatisfaction among the refugees at the steps taken by the Central and provincial Governments for their relief and rehabilitation. It is perhaps to be expected that the refugees, many of whom have lost their property and often members of their families, should expect the Government to do more than it has, or could possibly do with its present resources, to assist them to re-establish themselves in India. One point of view was set forth in the debates which is beginning to reflect the feelings of many refugees - that the Government of India should fully compensate them for the property that they left in Pakistan - possibly through a tax imposed upon those nationals who were not affected by the post-partition disturbances. This view will probably become more common among the refugees if it becomes evident to them that there is little chance of obtaining compensation from the Government of Pakistan.

Nevertheless it is doubted that the dissatisfaction among the refugees will become a threat to the security of the state. One reason why it is believed that this is true is that the refugees, although they number several millions, do not have the numerical strength vis-a-vis the non-refugee Indians to impose their views completely upon the Government. This reason

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will become even more potent if the Government is successful in its efforts to disperse the refugees from the present congested areas of Delhi and the larger towns in the East Punjab and to resettle them all over India. The nuisance value of the refugees, however, should not be overlooked. It will be remembered that the first attempt on Gandhi's life was made by a refugee from the West Punjab. It is understood that numbers of dissatisfied refugees are a fertile source of recruitment for the RSS and the Hindu Mahasabha. Moreover, if there should be a large influx of Hindus from East Bengal, the problem of absorbing the refugees would become much more difficult; in fact a number of Government leaders have stated publicly that the migration of the millions of Hindus from East Bengal would impose an intolerable strain upon the Indian economy.

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Annex no. 11

Resolution no. 11 Communalism

The text of the resolution as passed by the plenary session of the Congress is as follows:

"Ever since its inception, the National Congress has conceived and striven for a nation where the people of all religions and races should have equal rights and opportunities and should function together as citizens of India. It has opposed communalism and separatism which weaken the nation and come in the way of all progress and cooperative effort. Keeping this ideal in view, it has nevertheless, by stress of circumstances, and by the pressure of the dominating power at the time, accepted certain compromises which introduced an element of communalism in the public life of the country. In spite of the efforts of the Congress, communal forces, exploiting the name of religion, grew in strength and resulted not only in the partition of the country, but also in the foul assassination of Mahatma Gandhi.

"The terrible experiences through which the country has passed have demonstrated the evil that communalism brings in its train and have shown that the freedom of Indian nation, as of every component part of it, is imperilled by these communal and separatist tendencies. In order, therefore, to preserve the hard-won freedom of the country and for the nation to grow and prosper and enjoy the fruits of this freedom, it has become, essential to put an end to the spirit of communalism which has already caused so much grievous injury.

"The long past of India is evidence of the spirit of tolerance which was the basis of life and culture in this country. India

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has been and is a land of many religions and many races and must remain so. The freedom of India can only be based on a recognition of an over-riding unity binding together the richly varied cultural life of the country, which should have full play. The aim of the Congress has therefore been to develop this great country as a democratic secular State which neither favours nor discriminates against any particular religion.

"This Congress reiterates this objective and declares its firm resolve not to permit communalism or the misuse of religion as a political weapon for anti-national and socially reactionary purposes. The Congress calls upon the country to make a supreme effort to restore goodwill, peace and harmony among the various communities that form the nation.

"It is for this that Mahatma Gandhi laboured, and it was for this that he ultimately sacrificed his precious life. To every Indian, and more particularly to every Congressman, he has left this great legacy and example."

The resolution was moved in the Subjects Committee by Pandit Govind Ballabh Pant, the Premier of the United Provinces. It was approved in its original form by a large majority in the Subjects Committee in the same form that it was approved by the Working Committee.

Attempted Amendments

1 to 5. Sardar Mohan Singh Sahni, moving five amendments, wanted to make it clear that communalism had no place in India. After referring to the activities of the Akalis in East

Punjab,

Punjab, who "were spreading communalism and talking like Kasim Razvi of hoisting the Akali flag on the Red Fort in Delhi", he stated that East Punjab was in danger of being partitioned again if this tendency was not stopped immediately.

6, 7 and 8. Three more amendments which were of a minor nature were moved by Mr. Jagat Narain Lal, Mr. Mahesh Dutt Misra, and Mr. Algu Rai Shastri.

Debate in Subjects Committee

Pandit Pant supported the official resolution and asked Congressmen to work for bringing about communal harmony in the country. He said that India was a secular State, and there should be no distinction between one citizen and another on account of religion, caste or race. He pointed out that the terrible experience through which the country had passed had demonstrated the evil that communalism had brought in its train and had shown that the freedom of the Indian nation was imperiled by communal and separatist tendencies. In order therefore to preserve the hard-won freedom of the country and for the nation to grow and prosper and enjoy the fruits of this freedom, it had become essential "to put an end to the spirit of communalism which had already caused so much grievous injury."

Referring to the speeches of Master Tara Singh, the Akali leader, Pandit Pant said that his speeches were "harmful for India and also for the Sikhs." He also added that if Master Tara Singh continued in his activities "there would be no room for him in India or in East Punjab. He further said that India would never tolerate communalism whether it was spread by Hindus, Muslims or Sikhs. Speaking on Kashmiri Muslims, Pandit Pant hoped that they would remain always with India because "they had realized that India's approach to them was non-communal." He then referred to the conditions of Hindus in East Bengal and said India's actions should

not

not be influenced by the behavior of Pakistan. Pandit Pant also expressed the hope that, if India continued to act in accordance with the wishes of Gandhiji, the parts "which had seceded from India might come back."

The resolution was unanimously passed.

Debate in Plenary Session

Moving the resolution on communalism, Pandit Pant said that communalism had done great harm to the country and it was the duty of every true Congressman to promote communal harmony so that the hardships through which India had had to pass would not be repeated.

The resolution was seconded by Mr. Purushottamdas Tandon, the member from the United Provinces. He warned such sections of the people who were raising slogans similar to those raised by the Muslim League before the partition of India. "The slogan of two cultures must stop now," he said. Declaring that a distinction should be made between culture and religion, Mr. Tandon pointed out that the "Hindi movement" was not communal in character. It was his opinion that if this movement proved successful it would bind together various sections of the country.

The next speaker was Mr. Anantasayanam Ayyangar. Supporting the resolution he said that Gandhiji had brought together all communities in India and it was unfortunate that forces were working in the country to undo his (Gandhiji's) work. He added that the only way to save a religion "is to exclude it from politics."

Sardar Zail Singh, a member from East Punjab, stressed the need for ending communalism in the country.

Mr. Hariharlal

Annex no. 11

Mr. Hariharlal Bhargava suggested that the Government of India should appoint high officials in East Punjab from other Provinces if "communalism was to be crushed there."

Sardar Mohan Singh Sahney said that there should be no reservation of seats for Muslims. He criticized the Government for not taking effective measures against the RSS and the Akali Dal.

Mr. Ansar Harvani speaking next stated that four crores of Muslims in India were with the Congress to work for the good of the secular State of India.

The resolution, was then accepted unanimously.

COMMENT

The resolution, as well as the debate regarding it, emphasized the danger to India of an exaggerated communalism. There is no doubt that the national Indian leaders, following the lead given by Gandhi, are aware of this danger and are sincerely trying to combat it. There is evidence, however, that many elements among the people, and even among the ranks of Congressmen, pay only lip service to the ideal of a secular state and in reality would like to see the establishment of a Hindu Raj in India. While it is unlikely that official Indian policy will reflect the views of such elements in the near future, particularly since the memory of the assassination of Gandhi by a Hindu communalist is so fresh, there is always the possibility that after the removal of Nehru and, to a lesser degree, Patel from the political scene, there may become evident a definite trend towards the evolvement of a Hindu State.

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Annex no. 12

Resolution no. 12 Labor

The text of the resolution as passed by the plenary session of the Congress is as follows:

"The National Congress has always stood for the rights of the working class and for ending exploitation in every shape or form. Even while engaged in a life and death struggle to achieve the freedom of the country, it never lost sight of its essential duty of protecting and advancing the vital interests of the worker whether in the field or in the factory. Mahatma Gandhi's successful intervention in the Ahmedabad Textile Labour Dispute in 1918 ushered a new era in the peaceful settlements of industrial disputes between organised labour and capital. Congress Committees as well as individual Congressmen have worked ceaselessly in the service of the working class and have held aloft the ideal of securing social justice to the worker. The growth and development of trade unionism in this country owes much to the active sympathy, support and guidance of leading Congressmen and the Congress organisation.

"With the achievement of independence, the task of more direct and active participation in the programme of ameliorating the condition of the working class devolves more squarely on this great national organisation. Believing that political freedom is the fountain-head of all other freedoms, social and economic, the Congress concentrated the bulk of its energies on the elimination of imperialistic exploitation. Now that independence has been achieved the Congress calls upon its members and its constituent bodies to take more active interest in the labour-field, to strengthen their links with the workers in fields and factories and to promote just relations between labour and management.

"This

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"This Congress appreciates the progressive policy of labour legislation undertaken by the Central and Provincial Governments laying the foundations of social security and adopting other measures calculated to safeguard and promote the interests of industrial labour. It calls upon the provincial governments to pursue with vigour and complete within the shortest possible time the programme of improving the lot of the agricultural labour already initiated by the Central Government through the Minimum Wages Act.

"The Congress is aware of and fully sympathises with the difficulties and hardships of the workers due to various causes and yet appeals to them to take a realistic and responsible view of the critical situation through which the country is passing and not to be swayed by destructive ideologies leading to greater strife, chaos and discord. The Congress further warns the workers against the organised attempts to exploit the working classes for narrow political ends in the utter disregard of the vital needs and basic interests of the country.

"While appreciating the timely move of the Central Government to establish Industrial Truce, this Congress asks both capital and labour to work whole-heartedly on the maintenance of peace and good relations in industry. This Congress is of the opinion that uninterrupted and expanding production is a vital and indispensable precondition for relieving the present hardship of the people and for raising the standard of living of the workers. Any slowing down or suspension of work for even a short period in industry or transport

anywhere

anywhere in the country would greatly hamper recovery, add to the already heavy burden of miseries of the people and prove exceedingly detrimental to the interests of the workers themselves.

"The Congress fully admits that adequate incentives must be offered to the workers so that they can fully cooperate with the nation's drive for increased production. In this connection this Congress approves of the recommendations of the Economic programme Committee of the A.I.C.C. on fixation of fair wages and fair profits and the scheme of profit-sharing for labour in industry and calls upon the Central and Provincial Governments to take effective and early steps to implement these recommendations."

Although the resolution was originally intended to be moved by Mr. Jagjivan Ram, the Labor Minister of the Government of India, it was actually moved in the Subjects Committee session by Mr. Shankarrao Deo. It was approved in its original form by a large majority in the Subjects Committee in the same form that it was approved by the Working Committee.

Attempted Amendments

(1) Mr. Nathulal Jain moved three amendments to the resolution emphasizing the need for the establishment of a classless society, the principle of which he stated was adopted by the House the previous day when the resolution entitled the "Message" was passed. He suggested that State Governments should also pass labor legislation on the lines of the Provincial and Central Governments. He asked the Central Government to take steps to fight the "anti-social habit of profiteering by industrialists."

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(2) Mr. Jagannath Rao moved an amendment seeking to fix the share of laborers in schemes of profit sharing. He expressed the opinion that this was not a matter to be left to the industrialists.

(3) Mr. Shibbanlal Saksena next moved an amendment adding a clause calling upon the Provincial Governments to take immediate steps to improve the lot of agricultural labor. He criticized the Government for unduly delaying labor disputes when they were referred to the tribunal for arbitration, and contended that such delays only helped the industrialists.

(4 and 5) Mr. Brijeswar Mandal moved two amendments. In the first he criticized the labor legislation of all the Provincial Governments and maintained that the policy of certain Provincial Governments did not deserve "congratulation."

His next amendment called upon the Government to take steps to improve the lot of agricultural labor within five years and not the "shortest time possible" as suggested in the draft resolution.

Debate in Subjects Committee

Mr. Jagjivan Ram, speaking on the resolution, said that the Government of India's labor policy was strictly in accordance with the wishes of Mahatma Gandhi and was aimed at the creation of a classless society in the country; that the Government was trying to create conditions under which labor and capital could be treated as partners in industry; that the problem of finding and adjusting the real relationship between labor and capital was an important one and that the Government was doing its best to tackle it; and that the Government "was determined to abolish capitalism and establish a classless society."

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He assured the Committee that the necessary legislation to make it possible for the working of labor and capital as partners would soon be enacted. He pointed out that to abolish capitalism and establish a classless society labor had to become responsible enough to shoulder the burden of running industry.

He also said that the Government had accepted the principle of profit-sharing and that details were being worked out by a special committee.

He stated that during 1942 the Communists had ample opportunity to establish a hold on labor and had captured the All India Trade Union Congress. According to Mr. Ram, however, they had lost their hold on labor during the past year. He said that the Indian National Trade Union Congress was now the "most representative body of labor." He urged Congressmen not to remain aloof from labor but to work with zeal among workers to improve their lot.

He next referred to the threat of the Railwaymen's Federation to strike and said that a strike would "spell disaster to labor at a time when there was acute shortage of foodstuffs, clothes and other commodities and when an all-out drive for increased production was essential."

Finally, he appealed to the labor to take a realistic and responsible view of the critical situation through which the country was passing and urged the people to adopt measures to safeguard and promote the interests of workers. It was his hope that a "classless society" would soon be established and labor would be given fair wages and fair profits.

The resolution was then adopted.

Debate

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Debate in Plenary Session

Moving the resolution, the Minister for Labor called upon the people to work hard. He said that the main object of the Congress was to create a classless society in India, which could only be achieved by raising the status of labor. The resolution was seconded by Mr. Shankarrao Deo who said that, to make independence real, labor should enjoy a better status in the social and economic spheres in order to add to the country's wealth. He appealed to labor not to resort to strikes and aggravate the country's problems. Mr. Avari from Nagpur said labor should seek the guidance of the Congress before resorting to strikes, and Mr. Satya Narain Raju appealed to Congressmen to stop interested parties from "misleading labor." Shrimati Ram Dulari, a woman member, stressed that Congressmen must work selflessly and carry the message of the Congress to the workers. The next speaker, Mr. M. C. Tapre, a cultivator, urged the Congress to pay attention to rural labor.

The resolution was then passed.

COMMENT

To a large degree the resolution on Labor was conservative in tone. While it speaks of securing "social justice" for labor and "safeguarding" the interests of the industrial worker, it points out the necessity for uninterrupted and expanding production and declares that "any slowing down or suspension of work for even a short time" would hamper recovery and prove detrimental to the interests of the workers themselves. The tone of the resolution, however, was not repeated in the debate. In defending the resolution, the Labor Minister, Mr. Jagjivan Ram, launched into one of his denunciations of capitalism and declared that the Government "was determined to abolish capitalism and establish a classless society."

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Annex no. 12

It is of interest that one paragraph of the resolution warned the workers against reliance on the Communists to achieve their ends. To be sure, the Communists were not mentioned by name but the references to "destructive ideologies leading to greater strife, chaos, and discord" and attempts "to exploit the working classes for narrow political ends" were obviously directed at the Communists and, to a lesser degree to the Socialists.

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Annex no. 13

Resolution no. 13 Gandhi Memorial Fund

The text of the resolution as passed by the plenary session of the Congress is as follows:

> "This Congress endorses the appeal and approves of the action taken by the A.I.C.C. to raise a National Memorial to Mahatma Gandhi and to start a National Memorial Fund with the object of furthering the constructive, educational, social and cultural ideals and activities with which Mahatma Gandhi was so intimately connected during his life time, and through the implementation of which he hoped to make India a just, healthy, self-reliant, united and democratic nation, as well as to further the cause of world peace and fellowship, and of collecting, preserving and publishing his writings and teachings in various languages."

The resolution on the Gandhi Memorial Fund was moved in the Subjects Committee by Mr. Shankarrao Deo, Joint General Secretary of the Congress, and was seconded by Acharya Jugal Kishore, the other General Secretary. It was approved in its original form by a large majority in the Subjects Committee in the same form that it was approved by Working Committee.

Attempted Amendments.

(1) Bawa Raghav Das moved an amendment suggesting that there should be no compulsion in the collection of funds, which should be controlled by a trust appointed by the All-India Congress Committee.

(2) Mr. Mahabir Singh suggested that missions be sent to foreign countries to preach Gandhiji's message of peace to suffering humanity.

Debate

Debate in Subjects Committee

Supporting the resolution, Acharya J. B. Kripalani expressed regret that Congressmen had not realized the significance of the Fund. He said that if they had realized the significance of the Fund there would have been no necessity to move this resolution. He added that the fund was started to carry on the work which Gandhiji started and which had been left unfinished. He declared that everybody, Hindu and Muslim, was responsible for Gandhi's death, and added that "in history it would be written that the man who was called the Father of the Nation had been killed by the Hindus, just as Jesus Christ was crucified by the Jews."

He expressed his regret that collections to the fund had been poor and said that he had seen Congressmen were not taking up the work seriously. He appealed to Congressmen to go from "door to door to collect money for the fund."

Mr. Shankarrao Deo then appealed to all people to make their contributions to Fund.

The resolution was then put to vote and passed unanimously after the amendments moved had either been ruled out, lost or withdrawn.

Debate in Plenary Session

Moving the resolution, Acharya Kripalani said that Mahatma Gandhi had aimed at the creation of a new social order and that it was a pity that the people were not doing anything for the establishment of this new order even though India was now independent. He asserted that the Indian people had to do penance for Gandhi's murder and they could do it best by completing the work started by him and creating a social order which he had desired. According to Mr. Kripalani, the collection of the Memorial Fund was a part of their penance. He appealed to every Congressman to help in the collection of the target figure of Rs. 100 crores.

Mr. Basantlal

Mr. Basantlal Morarka appealed to the people to contribute generously to the Fund so that the target amount might be collected.

The resolution was then unanimously passed.

COMMENT

The Congress leaders were obviously disappointed at the slowness of the people to contribute to the Gandhi Memorial Fund. This disappointment was reflected in the debate on the resolution. It is not yet known whether or not the emotional appeal made by Mr. Kripalani and others will inspire the wealthier class to contribute more freely to the Fund.

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Annex no. 14

Resolution no. 14 Economic Programme

The text of the resolution as passed by the plenary session of the Congress is as follows:

"This Congress generally approves the report and recommendations of the Economic Programme Committee of the All India Congress Committee.

"In view of the economic crisis through which the country is passing, it is the duty of the Government as also of the people to further the objectives that the Congress has laid down and in so spreading the burden of today that it may be shared by all and that none may escape it while others are crushed by it. The nation must undergo a period of austerity and must avoid all wasteful expenditure. Conscious and concerted effort must be made on a national scale to meet this crisis in production and price inflation. All the nation's resources, human and material, should be utilised to increase production. While the people must produce more, they must consume less and invest their savings in Government securities and undertakings. There must be economy all round. Government must ruthlessly cut down their expenditure consistently with the efficiency of administration and the safety of the State.

"While it is essential to press forward large scale projects in order to increase the food supply and the power resources of the nation, so that the nation may be self-sufficient in regard to food and other essential commodities, small scale projects should be particularly undertaken as they yield quicker results. This must be done in a planned manner. Attention must be specially directed to the rapid development of cottage and small scale industries, preferably on a

cooperative

cooperative basis, which will provide employment to many and will immediately produce more consumers' goods. This plan of decentralised production should form part of the permanent economy of the country.

"To assure the urban population, specially industrial workers, regular supply of food grains at the controlled rate during this period of shortage, foodgrains should be procured from the cultivators at a price remunerative to the cultivator and fair to the consumer after leaving enough for the peasant and his family. Peasants should cooperate with the governments in making the procurements of food grains a success. This Congress endorses the textile policy of the Government of India and calls upon the Provincial Governments to see that a fair quota of mill-cloth and other essential goods necessary for a minimum standard of living be made available at controlled rates, preferably through cooperatives, to the villagers. The services of the A.I.S.A. and A.I.V.I.A. should be enlisted to organise an intensive campaign throughout the country for production of Khadi and other commodities.

"In order to put forth the utmost effort in production, it is essential that industrial and agrarian conflicts should be avoided, for each such conflict means loss in production and a set-back to the nation. This Congress congratulates the Central Government on its efforts in the interest of industrial truce and social insurance and recommends early establishment in all the provinces, States and Unions on a uniform basis, of statutory machinery for the resolution of industrial disputes in a just and peaceful manner, and

also

also the establishment of machinery, Central, regional and functional, for the study and determination of fair wages and conditions of labour and fair remuneration of capital, and methods for the association of labour in all matters concerning industrial production such as formation of central, regional and unit production committees.

"The Congress further appeals to all who are concerned in production to try their utmost to make every effort to this end. The proprietors of Industry should bring down their profits and help in raising production. Labour must realise that every strike and lockout at this stage is a grave ill-service to the general community.

"The Government of India have announced their Industrial Policy favouring a Mixed Economy and leaving a very large section for development and expansion by private enterprise. The industrialists in this hour of crisis must do their duty by the nation. While it is the policy of the Congress to see that the industries are operated in the interest of the nation and the key industries are progressively brought under State control and ownership, it is not its intention to injure the legitimate interests of the industrialists.

"The Central, Provincial, States and Union Governments are further requested to take steps to have adequate housing facilities provided for industrial labour. Locally available materials should be used to the largest possible extent in order to lessen cost and expedite construction.

"The Congress is fully aware of the hardships due to the rising cost of living and the defective system of settlement of

disputes

disputes and is anxious to find effective remedies for both. At the same time the Congress would like to place the working class on its guard against the disruptive forces which want to exploit the working class for the fulfilment of their political aims. There is no better and greater duty today for all those engaged in industry in whatever capacity than to keep the wheels of production constantly going."

The resolution was moved in the Subjects Committee by Mr. Shankarrao Deo, Joint General Secretary of the Congress, and was seconded by Mr. S. K. Patil (Bombay). It was approved in its original form by a large majority in the Subjects Committee in the same form that it was approved by the Working Committee.

Attempted Amendments

(1) Mr. Jawaharlal Jhanjhania moved an amendment that the words "they must consume less" in the resolution were inappropriate inasmuch as the people had no purchasing power to buy even their necessities of life. He added that the resolution must impress upon industrialists the need to conduct their industries for the benefit of the nation and "not with any profit motive."

(2) Mr. Nijalingappa (Mysore) next moving an amendment stated that the Provincial Governments, as well as the Central Government, should take steps to provide housing facilities for industrial labor.

(3) Mr. Jogeswar Mondal moving an amendment said that production should "also be controlled along with consumption" to obtain a balanced economy in the country.

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(4) Sardar Ranjit Singh said that Government servants had been affected by inflation as greatly as industrial labor and that they too should therefore be supplied foodgrains at controlled rates.

(5) Dr. Jetley suggested that the resolution be amended in such a way as to remove the impression in the resolution that the Congress was drifting towards capitalism.

(6) Mr. Chathrugna Saran Singh then pleaded for the abolition of the Zamindari system throughout the country.

(7) Moving an amendment Mr. Bababhai Patel wanted the Government to consult "the tillers of the soil" in fixing the fair prices of foodgrains. The Government's textile policy was criticized by him, and he added that people in the villages should be given as many yards of cotton cloth per head as were sanctioned for people in towns.

(8) Mr. Abdul Ghani asked the Government to press industrialists to eliminate conditions which led to strikes by labor.

(9) The next amendment was moved by Mr. Shibbanlal Saksena who asked for the addition of a clause to the effect that Congress should urge the Central Government to appoint an independent fact-finding commission to prepare a five year plan for the all-round economic development of the country. He said that the plans of the Central and Provincial Governments should be coordinated.as it was only by planned industrialization that India could obtain a standard of industrialization comparable to that of Russiaand America.

(10) Mr. Natharan moved an amendment urging the Central and provincial Governments to prepare a five year plan with the objective of increasing

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the national output and thereby raising the standard of living of the people.

(11-12-13-14) Mr. Hira Singh Cheneria moved four amendments which sought to emphasize the importance of developing agriculture as a part of the national economic program.

(15) Mr. Algeri Desai moved an amendment pointing out that not only industrial conflict but also agrarian conflicts must be avoided in order to achieve the utmost effort in production.

Debate in Subjects Committee

Replying to the amendments Mr. Shankarrao Deo stated that the aim of Congress was to establish a society based upon the idea of social justice and that this end must be achieved by peaceful means. He appealed to all Congressmen to do their part in increasing production and reducing expenditures.

The resolution was passed in substantially the same form as it was approved by the Working Committee. All amendments were rejected except a few of minor importance.

Debate in Plenary Session

Professor N. G. Ranga moved the resolution in the plenary session. In his speech he said that after the achievement of independence India had not been able to achieve large scale production but had had to try to increase production of basic commodities and to look towards the establishment of small scale cottage industries, as Mahatma Gandhi had suggested. He appealed to the Kisans to cooperate with the Government to increase production but pointed out that it was the responsibility of the Government to ensure that the

wealth

wealth produced was distributed fairly. He accused the industrialists of failure to cooperate with the people and said that if they continued this practice it would become difficult for the industrialists "to stem the tide against them".

In seconding the resolution Dr. P. C. Ghosh said that the living standard of the common man should be raised at all costs but that this goal could be achieved only when the people cooperated with the Government. He expressed the opinion that the people and the Government should work together to raise the status of labor.

The resolution was carried unanimously.

COMMENT

It is the belief of the Embassy that no concrete indication of the future trend of the Indian Government's economic policy is found in this rather general resolution. It calls upon the nation to undergo a period of austerity and avoid all wasteful expenditure - a policy which would be of great assistance to the Government in combatting the problem of inflation. The statements in the resolution appealing for the non-interruption of production also have a familiar ring, being reminiscent of resolution no. 12 on labor.

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Annex no. 15

Resolution no. 15 Standards of Public Conduct

The text of the resolution as passed by the plenary session is as follows:

"The Congress, under Gandhiji's leadership, became not only a powerful instrument for gaining India's freedom, but also an organisation in intimate contact with the masses and attracting their goodwill and loyalty and exercising a moral authority over them. Gandhiji's conception of politics and public life was inextricably connected with high moral standards and sacrifice and service of the people irrespective of caste or creed. This conception influenced the Congress, which he shaped, and Congressmen came to be judged not by their wealth or status in society but by their public service and sacrifice and their individual conduct. Thus the Congress attained a supreme position in the life of the country and public standard rose to a high level. Because of this India not only achieved independence but also gained the respect and admiration of other nations.

"It is this precious heritage that the present and succeeding generations have to preserve. If this hard-won freedom is to be maintained and utilised for the creation of a new society based on social justice and equality of opportunity for all, it is essential that the Congress and Congressmen should keep intact these great ideals and should continue to serve the people without becoming victims to the lure of power, wealth or privilege.

"Unfortunately, contact with power has affected many Congressmen and there is a tendency to use this power and position for

self-interest.

self-interest. The spirit of disinterested service and of constructive work for the public cause gradually ceases to be the motive power which moves large numbers of people. It is essential, from the point of view of the individual as well as of the nation, that this tendency should be arrested and every Congressman and Congress-woman has a duty and obligation to work to this end.

"Gandhiji combined political work with constructive and productive activity and placed a varied programme of constructive work before the country in which every Congressman, and indeed every Indian, was expected to take part. It was by this service that the Congress Organisation grew in influence and the nation became strong. Political activity must necessarily be confined to a few, but national activity and service must be the privilege and obligation of every individual.

"In order to renew and revitalise itself the Congress must devote itself to renewing this service in some form of the constructive programme. Unity among the various communities in the country is the first essential, and the removal of all forms of untouchability and the like is equally important. Other important activities are, social education of the masses in towns and villages, and a countrywide campaign for increasing production in every way and, more especially, through the agency of cooperatives and village industries, including Khadi, association with the "Grow More Food" campaign, and organisation and service of workers in field and factory. It should be the special privilege of young men and young women to undertake these various activities in the service of the country.

"Owing

"Owing to the widespread reintroduction of controls, it is necessary that Congressmen should cooperate with others in making these controls a success and in checking corruption and breaches of the regulations.

"The success of the Central and Provincial Governments, controlled by the Congress, depends to a large extent on full cooperation between the Governments and the Congress organisation. This cooperation should be evolved in each Province, subject to broad principles being laid down in regard to it by the Working Committee of the Congress or the Central Parliamentary Board. It is not possible or desirable for individual Congressmen to interfere in Government's activities. Complaints of Governmental activity or abuse of authority should be dealt with by the Provincial Congress Committee alone who should approach Government for redress. In particular Congressmen must always beware of getting any special facilities, financial or other, for themselves or for their friends and relatives.

"All Congressmen, must set an example in all such matters and maintain a high standard of conduct.

"In these days of world crises and national difficulty a burden is cast on the Congress which it must shoulder. Crises are not resolved or difficulties removed by patchwork remedies or opportunist methods. They are only finally resolved by removing the root causes of trouble and by maintaining always a high moral standard. The Congress therefore calls upon all Congressmen and the Nation generally to apply themselves to these great tasks in the spirit which enabled them to achieve freedom for this country."

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The resolution was moved by Mr. Shankarrao Deo, one of the Joint Secretaries of the Congress and was seconded by the other Joint General Secretary, Mr. Acharya Jugal Kishore.

Attempted Amendments.

(1) Mr. Bishwanath Das moved an amendment providing for the deletion of the following sentences from the resolution: "unfortunately, contact with power has affected many Congressmen and there is a tendency to use this power and position for self-interest" and "complaints of Governmental activity or abuse of authority should be dealt with by the provincial Congress Committee alone who should approach the Government for redress".

Mr. Das stated that if there was any tendency "to use power and position for self interest" it was natural because many Congress workers had lost their all in the fight against the British Government. He asked that the sentence not be included in the resolution because of the opportunity it would give to opposite groups to agitate against the Congress. Regarding the second sentence which he asked to be deleted from the resolution, Mr. Das said that Congress workers had to face "hostile officials" who had yet to change their outlook. He said that if Provincial Congress Committees had to deal with complaints against the Government it would widen the gulf of conflict between them and the Central Governments. He suggested that, in order to bring about discipline and harmony between the Congress organization and the Government, Presidents of the Provincial Congress Committees should be appointed Prime Ministers of Provinces.

(2) Mr. Rohini Kumar Chowdhury asked for the deletion of the specific mention in the

resolution

resolution of members of central and provincial legislatures setting an example in all such matters and for maintaining a high standard of conduct. In his speech moving the amendment, Mr. Chowdhury asked why particular mention should be made of the members of the central and provincial legislatures. He said that this group included persons like Pandit Nehru and Dr. Pattabhi Sitaramayya. He then complained that the members of the legislatures are not even permitted to see Ministers. He concluded his remarks with the following statement: "We came here leaving our professional work and now find this poor community being scandalized.

(3) Mr. Mahesh Dutt Misra submitted an amendment providing for the deletion of the words "more especially" and the addition of the sentence "more especially the members of the Cabinet". The purpose of this amendment was to lay a greater responsibility of maintaining a high standard of public conduct on Cabinet Ministers rather than the members of the provincial and central legislatures.

(4) Mr. Niranjan Sinha moved an amendment suggesting that in the provinces like the Central Province, Bombay and Madras - where there was more than one provincial Congress Committee -, a composite Committee should be set up with representatives of the various Provincial Congress Committees in order to deal with matters falling under the supervision of the Central Parliamentary Board.

(5) Mr. K. Subbarao proposed an amendment including the words "particularly members of the legislature" after "individual Congressmen". The purpose of his amendment was to suggest that it was not desirable for individual congressmen particularly members of the legislature, to interfere with Government activities.

(6)

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(6) Mr. Bansilal Lohario recommended that Congressmen who hold positions as Ministers should not be office bearers of the Congress Working Committee. He said that parliamentary boards were controlled by the Prime Ministers of the various provinces and that the boards themselves could well be termed "premiers' boards". He also recommended that members of the legislative assemblies should not be allowed to have connections with any limited company or to be a director of any company. He added that it would have been desirable if the resolution had been discussed in camera so that instances of corruption could be given.

(7) Mr. Jwala Prasad proposed an amendment deleting the sentence "unfortunately contact with power has affected many Congressmen" and substituting the following: "unfortunately contact with power has affected many Congressmen who are in power". He said in his speech that one particular class of Congressmen, who were now in power, were responsible for the decay in the moral standards of the members of Congress. He added that there was bound to be misuse of power unless the position of the Congress Committee was held to be higher than that of the Ministries. According to him the Congress President, as well as the provincial heads of the Congress, should be entrusted with the authority to check the activities of the Congress-men if such action was necessary.

(8) Mr. K. P. Tripathi moved an amendment providing for the substitution of the last sentence of the resolution by the words:

> "The Congress therefore calls upon all Congressmen and the nation to accept the Gandhian ideology and technique."

In his address moving the amendment he said that after the Congress had come to power changes had

taken

taken place among the Congressmen and they did not now command the respect of the people as they had before. He expressed the fear that, unless the Congressmen upheld the ideals preached and practised by Gandhi, the prestige of the Congress would go down.

(9) Mr. B. N. Sharma moved an amendment providing for the deletion of the portion of the resolution which asked for the cooperation of Congressmen in the successful maintenance of control and checking of corruption. According to him this part of the resolution would enable administrators to transfer their responsibility to the Congressmen. He said that the primary reason for failure of control was corruption among administrators themselves and that by this provision they would be encouraged to continue this process, as they would not have to bear the brunt of public opinion.

(10) Mr. Rameshwar Prasad Sharma moved an amendment suggesting that the following words be added to the resolution:

> "That all Congressmen and Ministers of the Central and provincial Governments should show full respect to the Congress."

He complained that the popular Ministers were following advice given to them by officials instead of that given in the resolution passed by members of provincial and district Congress committees.

(11) Maulana Abdul Ghani moved an amendment providing for the deletion of the reference to interference of Congressmen and Congress committees in the Governmental activities. He urged that Congressmen not attempt to obtain special facilities for themselves or for members of their family.

He

He said that the Congress High Command, instead of accusing Congressmen, should "purge those who took illegitimate benefit of their position".

First debate in Subjects Committee

Replying to the amendments Mr. Shankarrao Deo said that the resolution raised the question of the very existence of the Congress since it would lose all its strength and cease to exist if the moral conduct of its members was not improved. Comparing the resolution to a cup of poison, he said that it was difficult to swallow but that the Congress had to do it in the interest of its own existence.

Mr. Shankarrao Deo referred to the fact that "Power Corrupts" and said that it could not be denied that power had corrupted Congressmen. He added that the Congress could no longer claim that they were still on the high pedestal of moral conduct as they had been in the past. He concluded his address with the statement:

> "As followers of Mahatma Gandhi we have learnt to admit our defects in public and make no secret about it. Admit your mistakes and try to reform yourselves was the teaching of our master. This alone can strengthen the organization. This alone can win the confidence of the people".

The only amendment carried was that proposed by Mr. Mahesh Dutt Misra. The paragraph of the resolution affected by the amendment read as follows as amended:

> "All Congressmen, members of Central and provincial legislatures, more especially the members of the Cabinet, must set an example in all such matters and maintain a high standard of conduct."

Before

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Before the acceptance of Mr. Misra's amendment this paragraph of the resolution read as follows:

> "All Congressmen and more especially members of the Central and provincial legislatures must set an example in all such matters and maintain a high standard of conduct."

Second debate in Subjects Committee

It appears that Mr. Misra's amendment to the resolution was passed by the Subjects Committee at a time when Pandit Nehru and Sardar Patel were absent from the deliberations of the Committee. Pandit Nehru asked that the Committee be reconvened in order to reopen the resolution. In a speech made to the Committee Pandit Nehru declared that the amendment passed by the Committee in its previous sitting had a "serious import" and that he wanted to place before the Committee certain aspects of the matter which it might not have considered. Continuing, Pandit Nehru threatened to resign if Mr. Misra's amendment was not withdrawn as he felt that the acceptance of the amendment in reality constituted a motion of censure of the Central Cabinet. He said that he could not continue to remain in the Cabinet if he and his colleagues did not have the confidence of the Congress organization.

Pandit Nehru stated that if the House wanted to censure the Cabinet it could do it in a precise and definite form by bringing up a separate resolution instead of doing it in an indirect way. He said that if the Committee did not consider the Cabinet as worthy of their confidence it could certainly be removed. He added, however, that the Committee could not have it both ways; it would have to choose one or the other. At this point, according to press reports,

Pandit Nehru had to face "a barrage of questions from excited members who angrily protested against the manner in which the issue was reopened". After the interruption he continued his speech and reiterated that the resolution in its present form was tantamount to a censure of the Cabinet whether or not the Committee intended it as such. The Prime Minister said that he did not think that the House intended to censure the Central Cabinet but that the Cabinet should know whether or not the Committee disapproved on personal grounds the conduct of the members of the Cabinet. He stated that approval of the resolution in its present form was not the method which should be used to ventilate grievances against the Cabinet Ministers. He then requested the Committee to reopen the matter and said that, if the house agreed to reopen the discussions on the resolution, he would suggest that the amendment of Mr. Misra be rejected. The question of reopening of the matter was then placed before the Committee. When several members shouted that they did not want the subject to be reopened, Dr. Pattabhi Sitaramayya, the President of the Congress, intervened with the remark "Hands will work and not vocal chords". A vote was taken and the Committee agreed to reopen the subject by 116 votes to 75 votes.

Pandit Nehru then addressed the Committee again. His opening remarks were as follows:

> "I should know in what manner we are going to behave in this House. So far as my Government is concerned, we are completely at your disposal. We cannot work if we are slogged and cursed. We must have the support of the House. It is quite clear that we cannot carry on unless we have your support. We are faced with tremendous problems. Are we going to have your full support or not? The point is whether we are going to pull together in an idealistic and

noble

noble way or whether we are going to talk tall. I want a clear guidance. I want to know where we stand. A number of amendments and speeches were made which were nonsensical for those who spoke did not know the implications of the problem before us. That showed we have no realization of the responsibility of the Government."

Continuing Pandit Nehru said that he must have clear guidance of the Committee; that the resolution was not fair to the Congress and most of all it was not fair to the Cabinet Ministers. He then repeated his previous statement that the resolution applied to each one of the Congressmen but that when in a resolution of this type they wished to single out a particular small group, it meant necessarily that they were censuring and condemning that group. He also said that if the Congress did intend to condemn or censure the Cabinet it should not be done by an indirect method which was unfair to the people concerned.

Sardar Patel, speaking after Pandit Nehru, appealed to the members of the Subjects Committee to strengthen the hands of the Prime Minister by passing a vote of confidence in him which would enable him to face the tremendous problems before the country with vigor. The Deputy Prime Minister said that he did not know that the Committee was going to discuss the resolution or else he and the Prime Minister would have been present at the discussions. He said that he himself was "shocked" when he learnt about the resolution and felt that it was a retaliatory one. Sardar Patel also felt that the resolution was reflection on the Cabinet Members. He said that it was in the hands of the Congress legislators to remove their Cabinet Members if they so wished but they must consider dispassionately the implication of this resolution that the members of the Central Cabinet were not setting an example. He concluded his address with an appeal to the Committee to strengthen the Prime Minister's hands and give him a vote of confidence.

Pandit Nehru

Pandit Nehru then moved his amendment which would make the disputed paragraph mean as follows:

> "All Congressmen must set an example in all such matters and maintain a high standard of conduct."

Pandit Pant, Prime Minister of the United Provinces, then addressed the Committee on the resolution. Describing the manifold problems and difficulties of the Government - including provision for defence of the country, conduct of a successful war in Kashmir, maintenance of order inside the country, suppression of the forces of R.S.S. and solution of the tremendous economic problems relating to inflation - Pandit Pant asked how the administration of the Government of India could be conducted if the Committee "cut the stem of the tree on which the Government stood by such amendments as those passed yesterday". He added that there was no difference of opinion regarding the fact that it would be impossible to govern India were it not for Pandit Nehru and Sardar Patel.

He asked whether the Committee wish to do anything to hurt the "feelings and sentiments" of the Prime Minister and the Deputy Prime Minister. In the conclusion of the address Pandit Pant said that it did not matter what sort of a treatment the Congress accorded to him or the provincial Governments and that they could be wiped out without serious danger to the future of the country. He went to say that if Pandit Nehru and Sardar Patel were placed in a position in which they felt that they cannot carry on their work in the Government, the members of the All-India Congress Committee would be placing themselves and the country in danger.

The amendment moved by Pandit Nehru was passed according to press reports by an "overwhelming majority".

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The only aftermath of the stormy course of the resolution was a statement issued by two members of the All-India Congress Committee, Mr. Ansar Harvani and Mr. Mohan Singh Sahni, on the same day the discussion on the resolution was reopened.

It was asserted in this statement that the way in which the resolution was piloted through the Subjects Committee was the negation of all democratic traditions of the Congress. The following is the remainder of the statement:

> "While we have full faith in the leadership of Pandit Nehru and Sardar Patel we feel that we have every right to make them realize our viewpoint. After all, in the A.I.C.C. every other member has as much right to express his views as any one of them but it seems that the High Command is not willing to tolerate even the mildest criticism."

COMMENT

See page 8 of despatch.

Annex no. 16

Resolution no. 16 Linguistic Provinces

The text of the resolution as passed by the plenary session of the Congress is as follows:

> "The question of formation of new provinces on a uni-lingual basis and the re-distribution of the existing provinces for this purpose, wherever necessary, has engaged public attention for a considerable period. The Congress is aware of the strong desire for the formation of separate provinces on a linguistic basis and it has accepted the principle. In view, however, of the report of the Linguistic Provinces Commission appointed by the President of the Constituent Assembly and the new problems that have arisen out of the achievement of independence, this Congress appoints a committee of the following three members, namely:
>
> 1. Dr. Pattabhi Sitaramayya
> 2. Pandit Jawaharlal Nehru
> 3. Sardar Vallabhbhai Patel
>
> to review the position and to examine the question in the light of the decisions taken by the Congress in the past and the requirements of the existing situation. The Committee will submit its report to the Working Committee within three months."

The resolution was moved in the Subjects Committee by Pandit Pant. It was approved in its original form both by the Subjects Committee and by the plenary session.

Attempted Amendments

There was no attempt made in either the Subjects Committee or the plenary session to amend the resolution.

Debate

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Debate in Subjects Committee

In moving the resolution Pandit Pant pointed out that it embodied the unanimous decision of the Working Committee. He declared that the attitude of the Congress towards linguistic provinces was clear [i.e. Congress has passed a number of resolutions in the past advocating the formation of linguistic provinces]. Pandit Pant also said that since August 15, 1947 "new problems have arisen and several factors have now to be taken into consideration". He added that the Working Committee, as indicated by this resolution, had decided to review the position once again in the light of the new problems and of the report of the Linguistic Provinces Commission.

Debate in Plenary Session

The resolution was moved by the Chair and passed unanimously.

COMMENT

There is a strong feeling among many Congress leaders that the Government of India should proceed at once to reconstitute provinces on a linguistic basis. Although the official policy of the Government of India is to defer the question for some time, a number of Ministers in the Provinces and also in the Central Government have openly advocated that steps should be taken at once to re-define the various Indian Provinces in such a way that their boundaries would more nearly coincide with the major languages spoken in the area.

This agitation for the establishment of linguistic provinces has continued in spite of the disapproval expressed by the Prime Minister and of the report of the Linguistic Provinces Commission. The resolution providing for the establishment of a committee to "review the position and to examine the question in the light of decisions taken by the Congress in the past and the requirements of the existing situation" is therefore in the nature of a

compromise

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compromise or, to be more exact, a shelving of the problem for three months, when the Committee is required to report to the Working Committee of the Congress.

The composition of the committee is also of interest. The President of the Congress, Dr. Pattabhi Sitaramayya, is well known as an ardent advocate of the proposal to establish provinces on a linguistic basis. Pandit Nehru and Sardar Patel on the other hand have advocated that the question be deferred for the time being. While the final decision of the committee is open to question the Embassy doubts that Dr. Sitaramayya will be able to impose his views upon Pandit Nehru and Sardar Patel.

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Annex no. 18

Evaluation - Report of the General Secretaries of the Congress

There are enclosed copies of the report of the General Secretaries of the Indian National Congress (Mr. Shankarrao Deo and Mr. Acharya Jugal Kishore) which was submitted to the session.

The Secretaries' report describes the activities of the Congress organization from November 19, 1946 - the date of the last session of the Congress which was held at Meerut - to December, 1948. In general the report consists of an inclusive, if not particularly penetrating, analysis of the various political events which have taken place in India during the period covered by the report, together with an exposition of the policy of the Congress which was formulated in the light of these events. Only the more important portions of the report will be discussed in this despatch. It is believed, however, that the complete report, which contains a large amount of data regarding the organization and policy of the Congress, will be of interest to the research divisions of the Department.

The report, while expressing approval of the decision of the United Kingdom Government to grant independence to India, strongly condemns the acts of various British officials during the transition period which, as the Department is aware, was marked by extensive massacres in many parts of India. For example, in the discussion of the campaign undertaken by the Muslim League to overthrow the coalition Government in the Punjab headed by Khizr Hayat Khan the following statement is made: "The Services, including the Governors both in the Punjab and Frontier, were sympathetic to and tolerant of this agitation". (page 13). Then the following statement is contained in the section of the report dealing with the communal killings in the Punjab: "Later

investigations

investigations revealed how the British elements in the Services in the Punjab had actively encouraged and abetted this communal frenzy".

The report discusses at some length the relations between the Congress organization and the Congress Governments which exist in New Delhi and all the provinces. The main liaison board between Congress and Congress Governments is the Central Parliamentary Board, which has the responsibility of "regulating and coordinating" the parliamentary activities of the Congress legislative parties. The report admits that the cooperation between the Congress organization and the legislative parties has not been all that could be desired. The Congress organization in its resolution of June, 1939-which provided that in administrative matters the provincial Congress committees should not interfere with the day-to-day administration of the Government although they could draw the attention of the Government privately to any particular abuse - has not solved the difficulty. According to the report the Central Parliamentary Board has received complaints from the Provincial Congress Committees that the Minister "went so far as to ignore outright the advice tendered by the Congress organization....". On the other hand the report states that various Congress Ministers have stated to the Board that the Congress organizations "occasionally took upon themselves the role of supra-Governmental authority, interested in imposing their own will on the administration...". All the information available to the Embassy indicates that the problem of the relationship between the Congress organization and the Congress Governments has not been solved. The existence of friction between the two was underlined by the resignation some months ago of Mr. Acharya Kripalani because of the failure of the Central Government to consult him on important matters. As long as the two outstanding Congress leaders, Pandit Nehru and Sardar Patel, remain in the Government

it is

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it is unlikely that the Congress organization will be able to impose its will upon the Government in instances where there is a difference of opinion between the two. The President, Dr. Pattabhi Sitaramayya, is not generally considered to possess a particularly strong personality and it is entirely possible that the importance of the Congress organization vis-a-vis the Congress Governments will further diminish in the future.

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Annex no. 19

A Precis of the Remarks made by the Prime Minister

In his closing speech to the session Pandit Nehru referred to the news of the Dutch attack on the Indonesian capital. His most important comments on the attack were as follows:

"We knew that if the Dutch attacked they would be able to capture the Republican capital as the Indonesians had no adequate forces at their disposal against the overwhelming might of the Dutch. The action has been started by the Dutch, but I may warn them that they will not be able to achieve their object. This action does not mean that the Republicans have been defeated.

"You have seen that in the past four years small imperialist countries have been withdrawing themselves from Asia and the conditions in those countries have improved. The day of imperialism is over, because no imperialist Power can stay in Asia. There were a few countries where small clashes had also occurred while from other areas the imperialist Powers have been withdrawing.

"Due to our efforts in the U.N., the fight in Indonesia was stopped and suspended for 11 months. I may emphasize that no one can prevent the tide of independence in Asiatic countries. The police action of the Dutch will have serious repercussions in India, in Asia and perhaps in some other countries too. Though we cannot give the Indonesian Republic effective aid now, we cannot remain idle spectators. We cannot approve of the Dutch action. Whatever happens, we will keep our ideal before us.

"Our foreign policy is that no foreign Power should rule over any Asiatic country. The reaction to the Dutch action will be heard soon all over the Asiatic countries and we will have to consider what we will have to do under the circumstances."

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The Prime Minister also said that Kashmir was one of the most difficult problems which the Government of India had to face. He said that he would be leaving the next day for Delhi to hold discussions with two members of the United Nations Commission for India and Pakistan who have recently arrived in the capital. He said that he was glad that the Session had not passed any resolution on Kashmir as the intricacy of the problem could not be solved by passing resolutions.

Pandit Nehru said that the Congress Session in the future would not be held in the same way as the one at Jaipur. He maintained that there should be an end of the Mela atmosphere which prevailed in Jaipur and that the delegates should meet in an atmosphere in which they could consider important questions placed before them in all their aspects and properly vote on them.

COMMENT

Pandit Nehru's remarks on Indonesia were indicative of the deep sympathy which he, and perhaps other Congress leaders to a lesser degree, feel towards the Indonesian struggle for independence. Apparently he completely overlooked the efforts made by the United States, which was successful, to prevent the consummation of the first police action undertaken by the Dutch in Indonesia in view of his statement that it was due to Indian efforts in the U.N. that the fight in Indonesia was suspended for eleven months.

The other significant remark made by Nehru was that regarding future Congress Sessions. The Congress Session in Jaipur was, in view of the two to three hundred thousand audience present, a sort of public spectacle rather than a meeting of delegates of a political party. Along with many other commentators Pandit Nehru confidently feels that there is no necessity for such a spectacle in the future and that the future Congress Sessions should meet in a calm atmosphere in order to debate and determine the policy of the party which holds the reins of the Government in India today.

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Annex no. 20

Press Reactions to Jaipur Congress Session

Turning from other subjects, editors, commentators and columnists focused attention on Jaipur where the 55th session - the first plenary session after the country's independence - of the Indian National Congress Party continued its deliberations for three days (December 18-20). Much space was given to day-to-day proceedings, prominence being given to highlights of the session. Copious editorials and lavish coverage were visible examples of the interest shown by the press. Universal jubilance and expression of triumph by the Congress Party for achieving independence was largely shared but the commentators tempered their enthusiasm with growing concern over the "irresponsibility" and "corruption" in Congress circles. The majority of observers were of the opinion that "today Congress seeks to avoid dilution by coalition through the expedient of policies proclaimed in terms to please all - and pleases none." (Times of India). A few believed that Congress "suffers from paucity of personalities" (Pioneer). Nevertheless, all of them, representing different schools of thought, had pinned their hopes on the Jaipur session and regarded it as an opportunity "to examine causes of the growing unpopularity of Congress" (Free Press Journal). The absence of Socialists was felt especially by leftists and liberals like Bombay's Forum. However, the conclusions of the session divided the commentators. Disgusted progressive opinion saw nothing "spectacular" or "momentous" in the decisions reached in the session. The Statesman thought that the debates were "marked by vague generalities". Pratap contended that Nehru and Patel had "dominated the scene". But these impressions were outweighed by the general belief that the session was a "memorable" one (Hindustan Times). Nevertheless, opinion was unanimous in regarding such elaborate sessions as an "expensive show" and "waste". The Indian News Chronicle asked why state machinery was utilized "to publicize party meetings or conventions". Similarly, the papers shared Nehru's remark that

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the present "kumb mela" (religious fair) style of the Congress sessions must go and they should partake of the character of Labor or Conservative conferences in England. Dr. Pattabhi's presidential address - "Congress is a philosopher while the Government a politician" and cooperation between the two is essential - was heralded as a "comprehensive survey" (Hindustan Times) and "in tune with the spirit of the new age" (Hindustan Standard). The Amrita Bazar Patrika, representing vast opinion, said that there should be "some differentiation of functions between the Congress and the Government". However, the Tribune did not regard the address as "inspiring". The Leader asked the President to "keep in check his lieutenants". Much attention was attracted by the Subjects Committee's endorsement of the Indian foreign policy resolution - close relations with Asian countries and friendly ties with the British Commonwealth. Even though it had confirmed original impression of allying with the Commonwealth, a few commentators still hoped that the policy of remaining "neutral" would be observed. Communist organs, including the liberal Free Press Journal bitterly assailed the session for allying with "imperialism". Nevertheless, all agreed that cooperation with the Asian countries "is wisely desired" (Statesman). The pledge that India will be a secular state, and that any effort like the R.S.S. agitation will be sternly dealt with, was supported in the same unequivocal terms as other Nehru-sponsored resolutions such as the fact that India will never try to force a reunion of divided India. Revision of the amended "Public Conduct" resolution, calling upon Congressmen, especially Cabinet Ministers and members of legislatures, to follow high standards of public conduct, raised protests from every quarter. Nehru, who threatened to resign, and who considered the resolution as a vote of non-confidence against the Cabinet, was blamed for stifling criticism. Even Congress' non-official Hindustan Times did not agree with the view Nehru and Patel took of the amended resolution. Only Nehru's National Herald regarded the resolution as "clearly retaliatory and not seriously intended". Papers, however, agreed that the resolution "has a moral for Ministers".

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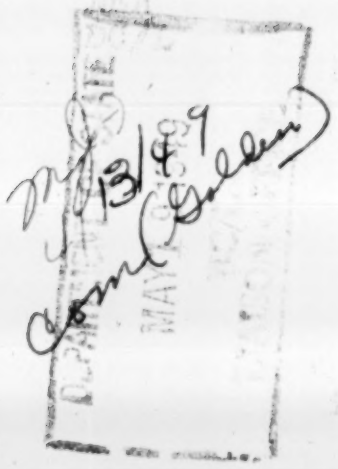
PUBLIC AFFAIRS OVERSEAS PROGRAM STAFF
Near East and African Branch

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DEPARTMENT OF STATE

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U.S.I.S., New Delhi.

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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DIVISION OF ECONOMIC PROPERTY POLICY
APR 13 1949
DEPARTMENT OF STATE

No action - please file 4/13/49
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OFFICE OF FINANCIAL AND DEVELOPMENT POLICY
APR 13 1949
DEPARTMENT OF STATE

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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DIVISION OF SOUTH ASIAN AFFAIRS
APR 6 1949
Department of State

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AIRGRAM

UNCLASSIFIED 961

FROM: AMERICAN EMBASSY,
New Delhi, India.

DATE OF MAILING: March 29, 1949

REC'D.: April 5, 1949 9:24 a.m.

UNCLASSIFIED

Secretary of State,

Washington, D. C.

A-301, March 29, 1949.

The proceedings of the Central Legislative Assembly at New Delhi on March 28, 1949 included the following question and answer:

"The Government's information was that Netaji Subhas Chandra Bose was no more, Dr. Keskar, Deputy Foreign Minister, said in reply to Mr. Kamath, in Parliament yesterday.

"Mr. Kamath had drawn the Government's attention to recent Press reports from London suggesting that Netaji Bose was alive somewhere and was bidding his time for the right moment to return to India and that the British Government was very much exercised over these reports.

"Mr. Kamath had asked what property standing in the name of Netaji Bose and the Provisional Government of Free India in the Azad Hind Bank or elsewhere in East Asia had been found. Dr. Keskar said it had not been possible to ascertain the details of the property standing in the name of Netaji Bose.

"There appeared to have been a large quantity of gold and jewellery and valuables. Much of this had disappeared during the disturbed conditions prevailing at the time of the end of the war, but some of it was recovered from officials and others connected with the I.N.A. and the

India

845.032/3-2949

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Apr 11 1949

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INCOMING AIRGRAM

DC/R

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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ACTION: NEA
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AIRGRAM 963

FROM: American Embassy,
New Delhi, India

DATE OF MAILING: Unknown

Rec'd: April 5, 1949 9:24 a.m.

DIVISION OF SOUTH ASIAN AFFAIRS
APR 4 1949
Department of State

845.032/3-2949

UNCLASSIFIED

Secretary of State,

Washington, D. C.

A-303, March 29, 1949.

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Following is excerpt from press report of question asked in Constituent Assembly (legislative) on March 28, 1949:

"Government have no intention of sending any mission consisting of members of the Constituent Assembly to visit Soviet Asia and Chinese Turkistan, said Dr. I. V. Keskar, Deputy Minister for External Affairs, in Parliament today during question-hour.

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745.61

"Asked whether it was a fact that the Nepal Government had been asked to approach through the Government of India in case they wished to send a goodwill mission to Bhutan to investigate the condition of the Gurkhas there, Dr. Keskar said that in October 1947 the Government of India were informed that the Nepal Government desired to send an envoy with a letter and presents for the Maharaja of Bhutan. As the External Affairs of Bhutan were regulated by the Government of India the Nepalese Chargé d'Affaires in Delhi was informed, added Dr. Keskar, that the Government of India would be glad to make their good offices available to both parties in regard to any matter which Nepal wished to take up with Bhutan."

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APR 11 1949

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Moscow

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

DC/R

AIRGRAM

CONFIDENTIAL 5588

FROM: American Embassy,
New Delhi, India.

DATE OF MAILING: April 2, 1949

REC'D: APR 28, 1949 11:12 A.M.
APR 28 1949
Department of State

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Secretary of State,

Washington, D. C.

A-305, March 31, 1949.

The proceedings of the Central Legislative Assembly at New Delhi on March 29, 1949 included the following question and answer:

"The establishment of a central board of censors was under consideration, said Mr. Diwakar in a written answer to Seth Govind Das."

The Embassy understands that the Ministry of Information and Broadcasting is now beginning the preparation of the regulations necessary to establish a central board of censorship. An official of that Ministry has advised the Embassy confidentially and informally that the necessary regulations might be drawn up by July 1, 1949. The Ministry of Information and Broadcasting hopes to establish the central board without any additional legislation. The Ministry is desirous of avoiding discussions of this question on the floor of the legislative Assembly.

HENDERSON

File No. 600.31
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Copy to: American Consulates General, Bombay, Calcutta and Madras

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MAY 2 - 1949

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

DC/R

DIVISION OF SOUTH ASIAN AFFAIRS

APR 15 1949

Department of State

845.032/4-449

UNCLASSIFIED

Secretary of State,

Washington, D. C.

A-314, April 4, 1949.

The following questions and answers were included in the proceedings of the Central Legislative Assembly at New Delhi on April 1, 1949:

"Sardar Patel, Deputy Prime Minister, said in Parliament yesterday that an estimate of the expenditure incurred in connection with the police action in Hyderabad was being compiled. The question of recovery of the amount so incurred from the Hyderabad State treasury was under consideration.

"Sardar Patel, who was replying to Mr. R. K. Sidhwa, added that the amount spent on the Laik Ali Ministry on propaganda in India and abroad approximated Rs. 5,000,000 (Hyderabad currency) and the amount set aside for representing the Hyderabad case at the U. N. was about Rs. 350,000. These figures did not include large sums of money given to Hyderabad State officials in England, half of which were transferred to the Pakistan account.

"Replying to supplementaries, Sardar Patel said that the policy adopted by the Laik Ministry was contrary to the terms of the Standstill Agreement.

"Mr. Sidhwa: As regards Rs. 5,000,000 spent by Laik Ali on propaganda do the Government propose to recover the amount from him (Laik Ali).

"Sardar

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APR 15 1949

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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FROM: American Embassy,
New Delhi, India.

DATE OF MAILING: April 5, 1949

REC'D.: April 10, 1949 10:51 a.m.

DEPT. OF SOUTH ASIAN AFFAIRS
APR 11 1949
Department of State

Secretary of State,

Washington, D. C.

A-315, April 4, 1949.

The following questions and answers were included in the proceedings of the Central Legislative Assembly at New Delhi on April 1, 1949:

"The King's effigy on Indian currency notes would be replaced by the Asoka Pillar, the Finance Minister, Dr. John Matthai, told Pandit Mukut Beharilal Bhargava.

"Dr. Matthai added that the new design notes were expected to be put into circulation within the next few months. Changes in the designs of the coins, including replacement of the King's effigy, were under consideration.

"Answering another question, the Finance Minister stated that no change was proposed to be made in the existing denominations of notes and coins at present. Nor was it proposed to demonetize the existing currency which would continue to be fully legal tender along with the new design notes and coins."

HENDERSON

File No. 350

HDonovan:jby

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845.032/4-449

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APR 15 1949

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INCOMING AIRGRAM

DC/R

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

DIVISION OF SOUTH ASIAN AFFAIRS

APR 12 1949

Department of State

AIRGRAM

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2142

FROM: American Embassy,
New Delhi, India.

DATE OF MAILING: April 5, 1949

REC'D.: Apr. 10, 1949 10:51 a.m.

UNCLASSIFIED

Secretary of State,

WASHINGTON, D. C.

A-323, April 4, 1949.

The following question and answer was included in the proceedings of the Central Legislative Assembly at New Delhi on March 31, 1949:

"Pandit Nehru, replying to a question by Dr. Mono Mohan Das in Parliament, said that the question of replacing the High Commissioners by Ambassadors depended entirely upon the future constitutional set-up and the relationship between India and the U. K. and the various Dominions.

"The matter, he said, was discussed at the last London conference of Commonwealth Premiers. The Indian representative said that so far as India was concerned she had no objection to the title--whether it was called High Commissioner or Ambassador as the High Commissioner had the same status as Ambassador. Even now there was no bar to replacing the title, but after discussion, added Panditji, the original title was retained."

HENDERSON

File No. 350

HDonovan:jby

Copy to: American Consulates General, Bombay, Calcutta and Madras.

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DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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2137

DIVISION OF SOUTH ASIAN AFFAIRS
APR 13 1949
Department of State

FROM: American Embassy,
New Delhi, India.

DATE OF MAILING: April 5, 1949

REC'D: April 10, 1949 10:51 a.m.

Secretary of State,

Washington, D. C.

A-316, April 4, 1949.

The following question and answer was included in the proceedings of the Central Legislative Assembly at New Delhi on April 1, 1949:

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"Dr. Matthai estimated payments this by the Government of India by way of interest on the loans raised at Rs. 48.1 crores. He gave this estimate in reply to Mr. K. Tripathi.

"The amount, he said, varied from year to year. The total amount of interest recovered on loans and advances other than advances to commercial departments of the Central Government was estimated ad Rs. 6.13 crores. The commercial departments of the Government paid interest on the advances given to them on the same basis as the rates of interest charged on Government bonds."

HENDERSON

File No. 350

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APR 15 1949

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

OFFICE OF SOUTH ASIAN AFFAIRS
MAY 18 1949
Department of State

RESTRICTED

From:

Addressed:

Rec'd:

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Secretary of State,

Washington.

A-356, April 14, 1949

The budget session of the Constituent Assembly (legislative) terminated April 9. The Embassy will report to the Department in the near future a despatch summarizing action taken during this session.

The Assembly is expected to reconvene about May 15, 1949 to continue its consideration of the Draft Constitution of India. It is the consensus of informed opinion here that chances are good that consideration of the Draft Constitution will be completed by the Assembly prior to August 15, 1949. These sources point out that the large number of controversial sections of the Draft Constitution, particularly those dealing with safeguards for minorities and the question of the Indian national language, have not yet been decided, the majority of the less controversial portions have already been approved.

JJeffersonJones,III:sm

CC: Embassy, London
Consulates General, Bombay, Calcutta, Madras

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 358

AMERICAN EMBASSY

CONFIDENTIAL

New Delhi, India, April 29, 1949

Subject: The 1949 Budget Session of the Constituent Assembly (Legislative)

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to the Embassy's airgram no. A-356 dated April 14, 1949 and to inform the Department that the 1949 Budget Session of the Constituent Assembly (Legislative) which met on February 1, 1949 adjourned sine die on April 9, 1949. It is expected that the Constituent Assembly will reconvene on the approximate date of May 15, 1949 to continue its consideration of the draft of the Indian Constitution.

Work Accomplished:

There were ten official bills pending at the beginning of the session and forty new ones were introduced during the course of the session. Thirty-eight official bills were passed during the session, including the controversial Banking Bill. Both the General and Railway Budgets were approved and grants voted. Separate reports on the more important of these bills have been submitted by the Embassy as they were passed during the course of the session. Ten of the bills were referred to select committees of which seven made their reports and three are to report during the next session. Two bills were withdrawn -- a government bill to prevent strikes and a private member's bill to amend the Motor Vehicle Act. Of the large number of private bills submitted, only four were passed and two were circulated for public opinion. Consequently, the total number of bills passed during the session was forty-two.

One thousand seven hundred eighty out of two thousand five hundred seventy-nine oral questions asked by the members of the Assembly were replied to by members of the government. One hundred forty out of one hundred seventy-two questions requiring written answers were replied to during the session whereas only nineteen out of ninety-two short-notice questions were answered by cabinet members.

Distinctive

CONFIDENTIAL

845.032/4-2949

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Distinctive Features of Session:

There were several distinctive features of this session. In the first place the Prime Minister utilized the Assembly to make a number of important announcements regarding public policy such as his statement on Communist activities in India, the conditions under which foreign capital would be permitted to enter the country, the attitude of India regarding its association with the Commonwealth, and the anti-Indian riots in Durban. The Embassy has submitted individual reports on each of the foregoing statements of the Prime Minister. One innovation introduced during the session was the presentation of individual budget statements by each Minister. To substantiate their requests for the voting of grants each Minister submitted a statement describing the functions of his Ministry and its achievements during the past year. Some of the more important statements have been forwarded to the Department under cover of despatches.

The recent session of the Assembly was one of the longest in the annals of the Central Legislature. Moreover, the number of bills passed almost constituted a record. There was some criticism, however, of the speed with which the Government forced its bills through the legislature, some critics maintaining that the Government leadership should have apportioned the time available for debate more efficiently so that more discussion regarding the more important bills could have taken place. There would appear to be some basis for this criticism since the Government rammed through the Assembly seventeen bills during the last two days of the Assembly session, of which nine bills were passed during the two hours immediately prior to the adjournment.

Appreciation:

It is evident from a view of the proceedings of this session that the hold of the Congress leadership over the members of the Constituent Assembly -- the overwhelming majority of whom are Congress Party members -- has not weakened. While there was a great deal of individual criticism of various bills, including the budget, there was apparently no united opposition which was strong enough to make itself effective. On the contrary, almost all the proposals of the Government were accepted with only minor, if any, amendments by the Assembly.

In fact

In fact, the Assembly was so tractable in refusing to entertain suggested amendments submitted by members and in pa sing the Government bills as presented that it almost did not give the effect of a law-making body. Although, as stated above, there were some sharp protests against certain aspects of the Government program -- particularly in connection with the alleged failure of the Government to solve the inflation and food problems -- the atmosphere generally was so complacent as to appear almost unreal. Undoubtedly the lack of constructive and effective criticism of the Government's program results from the fact that there is no opposition party in the Legislative Assembly. Consequently, the Embassy feels that, while the Government will have to devote some effort to the pacification of some of its individual critics in the future, it will probably not meet with any effective opposition to its policies until such time as the first Legislative Assembly after the General Elections is convened.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

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JJeffersonJonesIII/ml/leb
Original and hectograph to Department

CC: American Consulates General,
Bombay, Calcutta, Madras
American Embassy, London

CONFIDENTIAL

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

RESTRICTED

AMERICAN EMBASSY

No. 460

New Delhi, India, June 2, 1949

Subject: All India Congress Committee Meeting at Dehra Dun

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

Sir:

I have the honor to report to the Department on the meeting of the All India Congress Committee at Dehra Dun on May 21 and May 22, which was called primarily to ratify the decisions taken at the recent Prime Minister's conference in London.

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The main business of the first days' session was the consideration by the Committee of the action taken by the Prime Minister in London. This was approved by an overwhelming majority although some opposition was expressed by individual members. The discussions which took place in the committee over this question will be described in detail in a separate despatch.

The President of the Indian National Congress, Dr. Pattabhi Sitaramayya, also delivered an address on the first day. While Dr. Sitaramayya made no important policy declarations in his address he did impart some interesting facts. For example, he maintained that the liquidation of the Jagirdars (landlords) who had "tyrannized" the people of Hyderabad more than the Nizam, was the main problem to be solved in the State. He said that the presence of the 1200 Jagirdars - 650 Hindus and 550 Muslims - had "necessarily strengthened" Communist activities in the state. According to the President, the Communist menace still exists and there has been 550 murders of Congressmen and others in the state since the end of the "police action" in September of last year. Dr. Pattabhi also touched upon the question of refugees, declaring that there were 800,000 refugees in 174 camps and that the cost to the Government of their maintenance was one rupee per head per day.

It was originally planned to devote the second day of the session to a discussion of the 54 official resolutions which had been submitted to the President by

members

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members of the Congress. It was later decided however to devote the second day to an informal and secret discussion of the relations between the Congress Party and the provincial Ministries. Although this was supposed to be a secret meeting, the information leaked out that corruption in the Congress provincial and state ministries formed the theme of many of the speeches made by Committee members. According to a press report, one member suggested the appointment of a high level Committee to scrutinize the working of the Congress Ministries while another advocated the creation of a "super-cabinet" consisting of Pandit Nehru and Sardar Patel. No action was taken on either of these suggestions in view of the decision taken before opening of the session that no resolutions were to be submitted to the house.

Undoubtedly the two highlights of the second days session were the speeches made by Pandit Nehru and Acharya Kripalani, ex-President of the Congress. The latter is reported to have made a very bitter speech in which he asserted that the administration was not giving adequate attention to cases of bribery brought before it by the Congress. Mr. Kripalani also maintained that the real difficulty of the present Government lay in its inability to make the right choice between western Socialism and Gandhism. (See Embassy despatch no. 1195 of October 20, 1948 entitled "Deviation from Gandhism of present Indian Government" for Mr. Kripalani's essay condemning the Government for its failure to live up to Gandhian ideals). Pandit Nehru defended the present Ministers declaring that they were well aware of the criticism directed against them but that in many cases the alleged corruption and nepotism tended to be exaggerated.

There was one interesting development during the session which may prove to be of substantial significance in the political future of the Congress. This was the issuance of a communique by 25 committee members which stated that a convention of "young Congressmen" would be held in Delhi in July to chalk out plans for "revitalizing Congressmen". The signatories to the statement included Messrs Ansari Harvani, Mahesh Dutt Misra, Mohan Singh Sahney, and Phakir Chandra Roy. While it is too early to evaluate the full significance of the move it may prove to be the first step in the division of the Congress Party into a number of more or less well-defined blocs. The Embassy is attempting to obtain a copy of the communique issued by the 25 "young Congressmen" and also hoped to talk to the members of the group in order to obtain information regarding the objectives of the group, and the differences between it and the present Congress leadership.

Respectfully yours,

For the Ambassador

Howard Donovan
Counselor of Embassy

Enclosures:

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Despatch No. 460 RESTRICTED
June 2, 1949
New Delhi, India

JJefferson Jones, III:sm

Mat to Department

Copy to: Embassies; London , Karachi: Consulates General, Bombay, Madras.

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THE FOREIGN SERVICE

OF THE

UNITED STATES OF AMERICA

No.121

AMERICAN CONSULATE GENERAL

Madras, India, June 7, 1949

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DIVISION OF SOUTH ASIAN AFFAIRS
JUN 27 1949
DEPARTMENT OF STATE.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C., 25

SIR:

SUBJECT: Opening of the budget session of the Mysore Representative Assembly; Abolition of the Dewanship.

I have the honor to report that on May 30th Sir A. Ramaswamy Mudaliar, Dewan of Mysore, opened the budget session of the lower house of the Mysore Legislature, known as the Representative Assembly by announcing that the post of Dewan would cease to exist on and from August 7, 1949, the date of expiry of his own term of office. He said that the Maharaja had agreed with his request to retire, and with the request of the popular ministry that the post be abolished. Sir Ramaswamy presided at the opening session of the Representative Assembly at which time the Assembly elected its own president (previously a position held ex officio by the Dewan) Mr. T. Venkatappa, a Congressman, by a vote of 202 out of 282 votes cast. Thus ends the era of Dewans in South India.

A report in the Madras Mail for May 28 states that at a meeting that date in Bangalore of the Congress Legislature Party of Mysore, the decision was taken that a three-point program would be adopted by the party: (1) That the Ministers should be responsible to the Representative Assembly, (2) That the office of Dewan should be abolished; and (3) That the leader of the party should form the ministry. This program would bring the machinery of the legislative and executive organization into line with that in the provinces. The present ministry consisting of the Dewan, six Congress and three non-Congress ministers was selected in October 1947 by the Working Committee of the Mysore Congress Party when responsible government was first granted in the State.

It was first thought at the meeting of the Congress Legislature Party which began on May 27th that the ministry should be re-constituted immediately inasmuch as it was originally intended to be an interim ministry awaiting the establishment of the State Constitution. In view of the delay in establishing a constitution, however, the sentiment was expressed that there should be formed a ministry directly responsible to and also acceptable to the Assembly. The Party elected the present Chief Minister, Mr. K.C. Reddy, as leader of the party, replacing Mr. Hanumanthiah. This overcame the difficulty of there being different persons to head the Party and the Government. Later, however, at a meeting on June 1st the decision was taken that the leader would be given time until August 7th to form a new ministry.

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Until recently, the Legislative Assembly has been the less important of the two houses. At present, however, it has the power to entertain motions of no confidence in the Ministry, and thus becomes the agency to which the ministry must be ultimately responsible. The present strength of the Congress Party in this body is about 160 in a membership of 310, and in the Upper House, known as the Council, a membership of 20 in 68. The Indian Express reported on June 1st that there was a move afoot to consolidate the non-Congress members into a "constructive opposition". Two minor groups have already merged.

The exit of Sir Ramaswamy Mudaliar from the stage of public life in Mysore has been viewed with regret by many editorial commentators. The Express on June 1st reviewed the long line of able Dewans which Mysore has been fortunate in having since the first in 1882, and complimented Sir Ramaswamy Mudaliar on the smoothness with which the change from the Dewan system to the system of responsible government was accomplished. Another representative comment is that by the political writer of Mysindia (Bangalore) who, in the June 5th issue, says:

> "Sir Ramaswami's departure will be bemoaned by all who have respect for his great administrative experience and varied intellectual gifts. . . he is a master of the art of making friends and influencing people. . . he could teach a thing or two to Mr. Dale Carnegie. Within a few weeks of the Congress coming to power the very persons who had a short while before been clamouring for his blood were eating out of his hand. He inspires loyalty in the permanent services; he always has a good word to say about them. . . He was a source of strength at once to the Ministers and to the officers."

XR 560.AL

A son of Sir Ramaswamy, resident in Madras, has informed an officer of the Consulate General that his father now hopes to take a prominent and active part in the work of the International Trade Organization.

Respectfully yours,

Robert B. Streeper
American Consul General

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Original to Department
Copies to: American Embassy, New Delhi
American Consulate General, Bombay
American Consulate General, Calcutta

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

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AMERICAN EMBASSY

REC'D
JULY 6

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NEW DELHI, INDIA, June 23, 1949

SUBJECT: Adjournment of Constituent Assembly.

DIVISION OF SOUTH ASIAN AFFAIRS
JUL 1 1949
DEPARTMENT OF STATE.

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THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON, D. C.

SIR:

I have the honor to report that the Constituent Assembly - the current session of which began May 16, 1949 - adjourned on June 17, 1949. It is scheduled to reassemble towards the latter part of July to continue its consideration of the draft constitution of India.

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Accomplishments of Session

This session of the Assembly was noteworthy for its accomplishments, disposing of a number of controversial questions. The Assembly has now approved 230 out of the approximately 315 articles of the constitution. One of the major issues disposed of in the present session was the question of the relationship of India to the Commonwealth; the Assembly ratified the decisions taken at the Commonwealth Prime Ministers' Conference in London in April which provided for the continuance of India's association with the Commonwealth. Moreover, it adopted the recommendation of the Advisory Committee on Minorities that there should be no reservation of seats in the Central and Provincial Assemblies for any minorities except the Hindu and Sikh scheduled castes. The foregoing two decisions of the Assembly were described in some detail in the Embassy's telegram No. 555 of May 18, 1949 and the Embassy's despatch No. 481 dated June 7, 1949 entitled "Approval by Constituent Assembly of Minorities Advisory Committee Recommendation Abolishing Reservation of Seats for all Minorities Except Scheduled Castes."

Another controversial question settled during the session was the method of selecting governors for the Indian States. The Assembly, reversing its previous decision on the subject, decided that provincial governors should be appointed by the President of India rather than elected by the voters of the provinces. The implications of this decision, and particularly the trend towards centralization of the powers of government which it evidences, were described in the Embassy's despatch No. 483 dated June 8, 1949 entitled "Decision of Constituent Assembly that Provincial Governors should be nominated by Central Government rather than Elected." In the latter part of the session the Assembly made a number of other decisions which increased the powers of the central government at the

expense

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expense of the provinces. First it approved an article authorizing the central government to legislate on subjects reserved for the provincial legislatures provided that the upper House (the Council of States) adopts a resolution to that effect by a two-thirds majority. Such a resolution can remain in force only for one year but may be extended if a two-thirds majority of the Council of States approves the extension.

The Assembly also voted to vest the central government with the residuary powers of legislation. It had previously determined that the residuary powers of legislation would be vested in the provinces, a decision which was made mainly to appease the Muslim League Members. These League members thought that their interests would be safeguarded by vesting the provinces with the residuary powers of legislation as, prior to partition, it appeared that there would be Muslim majority provinces, while the Central government would be predominantly Hindu in complexion. Other decisions reflecting the tendency towards centralization of powers were one providing for the exercise of control over national and also provincial elections by a board of commissioners appointed by the President, and another giving the central government control over provincial waters.

Controversial Questions Still to be Considered by Assembly

The Congress leadership in the Assembly hoped at one time that the Assembly would be able to finish its consideration of the Constitution in time for the constitution to be promulgated on August 15 of this year, the second anniversary of Indian independence. As the session progressed it became evident that this was not possible in view of the controversial nature of a large number of articles in the draft. Three of the most controversial subjects which the Assembly has not yet considered are the following: whether the name of the country will be India or, as some of the more Hindi-conscious members wish, "Bharat Varsh" or some other Hindi name; what the national language will be; and what will be the division between the Centre and Provinces of the revenue resources of the nation. The present recess will provide the Minister of Law, who is piloting the draft constitution through the Assembly, and to other members of the Assembly an opportunity to study the tax question and to decide how the income tax revenue should be shared between the provinces and the central government.

Another difficult question is the advisability of including a provision authorizing the provincial governors and the central government to assume control of the administration of provinces in case of emergency. A number of Congressmen, who were strongly opposed to the assumption of the control of the provincial administration by the governors in the past under the provisions of Article 93 of the Government of India Act of 1935, feel that the inclusion of such an article would be the negation of democracy. The Congress leadership, however, believes that the provincial governors and

the Central

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the Central Government must be empowered to take over a province in the case of a grave emergency. Proponents of the inclusion of such an article point to the present instability of such provincial governments as those of the East Punjab and West Bengal and maintain that, if worst comes to worst, the central government must be able to take forceful action if a provincial government becomes so unstable that it is unable to maintain law and order.

Future Schedule of the Assembly

With reference to the future schedule of the Assembly, Dr. Ambedkar told an officer of the Embassy that, provided that the knotty question of the division of the national revenue between the central government and the provinces is solved by the conference between central and provincial ministers to be held before the Assembly reconvenes in the latter part of July, it is hoped that the considerations of the draft constitution can be completed in two or three weeks, i.e. that it will be completed by approximately August 15. After its approval by the Assembly the draft will have to be reviewed by the drafting committee to be put, in Dr. Ambedkar's words,"into parliamentary language." Thus the constitution should be ready for the "third reading" (passage in its final form) in the latter part of September or first part of October. Dr. Ambedkar feels that the session for the final approval of the constitution should not last more than two or three weeks. He believes that there will be no difficulty in winding up the formalities in time for the constitution to be promulgated on "Remembrance Day,"* January 26, 1950, which is the target date established by the Congress leadership.

Evaluation

The session of the Assembly under review was notable for the tendency which it exhibited towards centralization of the governing powers in the central government at the expense of the provinces. A number of manifestations of this tendency were described in the foregoing sections of this despatch. Undoubtedly many of the Congress leaders - including Pandit Nehru and, perhaps to a lesser extent, Sardar Patel - sincerely believe that central government must be strong in order to overcome the fissiparous tendencies so evident in the Indian political structure. What better method exists for the combat of South Indian or Bengali provincialism than a strong Central Government which can legislate even on subjects reserved for the provinces, provided that a two-thirds majority of the upper house of the Central approves ?

The Embassy

* Since 1929, the date on which Congressmen renewed their pledge "to carry out non-violently the struggle for freedom till Purna Swaraj" (complete independence) was obtained."

The Embassy believes, however, that there is another compelling reason why the Congress leaders wish to increase the powers of the central government; they have the feeling, although it may be subconscious, that the future of the country can best be ensured if they, rather than the provincial leaders, exercise the controlling power in political affairs. Thus the trend towards centralization to a certain degree indicates a lack of confidence of Nehru and Patel in the rank and file of Congress including the provincial leaders of the party, and possibly - as pointed out in the Embassy's despatch No. 483 - in the Indian electorate.

The session describedin this despatch offered no evidence of any widespread dissatisfaction by the mass of Congress Assembly legislators with the party leadership of Nehru and Patel. The trend towards strengthening the powers of the Central Government at the expense of the provincial governments, however, was subjected to some criticism on the floor of the House. One of the most telling criticisms was that made by Mr. Kuladhar Chaliha, a member from Assam. A fairly extensive excerpt from his address is quoted since it reflects the views of a number of critics of the extension of the powers of the Central Government:

> "By your /Centre's/ conduct, you are not helping to cement the differences in the provinces. You are leading them to disintegration. The provinces feel that they should cut away from you because you are taking away in every possible way whatever little power they have got now. The provinces have charges against you that you are concentrating too much in your hands and are depriving them of their legitimate powers. You are reducing them to the status of municipal bodies and you do not give them opportunity for leadership. You are arrogating to yourselves all the powers. You are trying to think that you have greater qualities than the provinces possess. You are always suspicious. You think that the provinces will be unjust to the minorities. If the minorities cannot trust the majority and look always for protection to the President or the Centre we will not be able to develop unity. You are doing an injustice to the provinces by being unnecessarily suspicious of their bona fides."

Moreover the

Moreover the Assembly leadership was forced to revise its views on two subjects - appeals to the Supreme Court and selection of members of Electoral Commissions. Regarding the first of these subjects, the members insisted that the draft be altered to give criminal appellate jurisdiction in certain cases involving the death penalty to the Supreme Court. They also were successful in altering the articles in the draft regarding the Electoral Commission to enable the Union Parliament, rather than the executive, to control the Commission. Nevertheless on all questions of importance the Assembly accepted the views of its leaders. As was the case with previous meetings, the session of the Assembly just completed did not afford any effective challenge to the leadership of Nehru and Patel.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

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Original to Department.

cc: American Consulates General at Bombay, Calcutta and Madras;
American Embassy, London,
SOA.

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 543

American Embassy
New Delhi, India, June 25, 1949

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Subject: Transmitting Press Reports of Prime Minister Nehru's Address to the Delhi Provincial Congress

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The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to enclose for the records of the Department two press reports of the address which Prime Minister Nehru delivered on the closing day of the Delhi Provincial Congress. The accounts of the Prime Minister's extemporaneous remarks on this occasion varied and as no official version has been released, the fullest accounts, those which appeared in the Statesman and in the Hindustan Times are forwarded herewith.

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Various aspects of this speech have already been reported in the following documents:

Despatch no. 529, June 22, 1949 entitled, "Comments of Prime Minister Nehru on Congress Defeat in South Calcutta By-election.

Despatch no. 533, June 23, 1949 entitled, "Transmitting Editorial entitled 'Pandit Nehru and Congress'".

A-639, June 23, 1949 which deals with Nehru's remarks on Communism and the non-cooperation of Indian capitalists.

As might be concluded from the several reports cited, this address was somewhat diffuse and covered a variety of subjects. These included in addition to those mentioned above, the problem of self-government for Delhi, the refugee problem, the Socialist party, the economic policy of the Government, changes in the map of India as a result of the integration of princely states, and the proposed time-table for India's constitutional development, namely, adoption of the Constitution in October 1949, proclamation of India as a republic on January 26, 1950 and national elections in

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the winter of 1950, before which "it might not be possible to hold them". The rambling quality of the Prime Minister's address inspired a number of critics including the cartoonist of the New Delhi Indian News Chronicle whose rather severe effort to ridicule Pandit Nehru is enclosed.

Respectfully yours,

For the Ambassador

Howard Donovan
Counselor of Embassy

Enclosures:

1/ Press report
Statesman

2/ Press report
Hindustan Times

3/ Press report
News Chronicle

File No. 35-
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Parchment mat to Department

CC: Consulates General, Calcutta,
Bombay, Madras

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Enclosure to Despatch No. 543,
dated June 25, 1949, from
American Embassy, New Delhi, India.

INDIAN NEWS CHRONICLE June 20, 1949.

INDIA TO BE SOVEREIGN REPUBLIC ON JANUARY 26

General Elections In Winter Next Year

NEHRU'S ANNOUNCEMENT AT DELHI CONFERENCE

(By Our City Correspondent)

DELHI, SUNDAY.—PANDIT NEHRU, PRIME MINISTER, MADE A DRAMATIC ANNOUNCEMENT AT THE DELHI PROVINCE POLITICAL CONFERENCE THIS EVENING. HE SAID THAT INDIA WOULD BE PROCLAIMED AN INDEPENDENT SOVEREIGN REPUBLIC ON JANUARY 26, 1950, AND THAT GENERAL ELECTIONS WOULD BE HELD IN OCTOBER OR NOVEMBER NEXT YEAR. THIS OFFICIAL ANNOUNCEMENT—FIRST OF ITS KIND REGARDING THESE ISSUES—WAS GREETED WITH SPONTANEOUS APPLAUSE.

The Prime Minister also made a frank admission that the stock of the Congress was going down, on account of the anti-social elements that had crept into the organisation.

His 80-minute speech was highlighted by an ambiguous declaration that the defeat of the Congress candidate in the South Calcutta bye-election was an unmistakable indication of popular resentment aganist the Congress and the West Bengal Government, a definite assurance to the refugees that the Government would help them with all their resources, and a moving appeal to Congressmen to strengthen the Congress organisation to enable it to face all crises. Pandit Nehru also assured the citizens of Delhi that his Government would soon introduce legislation in Parliament giving effect to their proposal to grant limited autonomy to Delhi.

The Prime Minister ended his speech, which will rank as his most important pronouncement of the year, with a warning to the capitalists, who, in his opinion, had failed to respond to the Government's lenient policy towards them.

At the outset Pandit Nehru deplored the inaction of the Delhi Provincial Congress Committee but added it had afforded him great pleasure to respond to their invitation. He was rather surprised to note that the D.P.C.C. did not extend an invitation to him, which he was expecting, to participate in the National Week celebrations. He did not know whether the Committee observed the week at all. He was, however, glad that they had now shaken off their lethargy.

Proceeding, the Prime Minister said he attached great importance to the keeping in touch with the trend of public opinion. He, therefore, sought every opportunity to meet the people and talk to them.

Referring to a suggestion, made by Babu Purushottamdas Tandon earlier in the day that some of the topmost leaders of the Congress should give up office and take up the work of revitalising the Congress, Pandit Nehru said: "We are occupying the seats of office for the last two and a half years. We are there as nominees of the Congress which represents the masses. As long as the Congress

continues to represent the people we shall remain there. The moment the Congress loses touch with the people we shall lose our title to remain there even for a day more. It is, therefore, essential that the Congress should represent the sentiments and aspirations of the people."

Referring to a report, published in the newspapers, of a private meeting of the Congress Assembly Party, Pandit Nehru said that certain remarks had been attributed to him in that report in regard to the defeat of the Congress in the South Calcutta bye-election. In fact he had never made those remarks. It was, in his view, highly discreditable for any member of the Party to divulge what had happened in the Party meeting. The publication of distorted reports resulted in misunderstandings. Even otherwise too he was not satisfied with the reporting of some of his speeches. The reporters, he complained, made mistakes in translating his speeches which were mostly in Hindustani.

REVITALIZE CONGRESS OR DISSOLVE IT

"If we cannot revitalize the Congress, we must dissolve it in a dignified manner rather than allow it to disintegrate by stages. The Congress alone has stood between chaos and order and it is the only organization that can tide over all crises and nurture the tender plant of their freedom."

—JAWAHARLAL NEHRU

AUTONOMY FOR DELHI

Expressing his views on the resolution, demanding autonomy for Delhi, the Prime Minister said there could be no two opinions on the question. He, however, emphasised some of the peculiar characteristics of Delhi because of its being the seat of the Government of India. There were about 25 Embassies which were subject to International Law. Delhi had become the nerve-centre of Indian politics.

The problem, therefore, was complicated. He cited the instance of Washington, the U. S. capital, which was being centrally administered. He, however, disclaimed any intention on the part of the Government to deprive the 20 lakh people of the Delhi Province from the benefits of self-government. They will have to find out a 'via media' between the present constitutional position of the province and complete provincial autonomy.

The Prime Minister thought it a mistake to have declared Delhi as the Capital of India, 37 years ago. Except for certain advantages to land-lords of Delhi, this imperialist stranglehold imposed certain disabilities on the people here. His personal opinion was that the growing needs of Delhi could be met better through legislation in Parliament rather than any rigid statutes in the new Constitution. His Government had already decided to pass the necessary legislation regarding Delhi before the year was out.

COMMUNISTS AND SOCIALISTS

Discussing the political situation in the country, Pandit Nehru said that as a democratic Government they welcomed criticism. He strongly condemned the disruptionist role of the Indian Communists and added, although he agreed with much of the basic theory of Commuism, he could not help saying that the Communist Party of India was deliberately trying to create disruption and chaos in the country.

Referring to the Socialist Party, he said, that he was in sympathy with them and would not mind that party being returned by the electorate. He, however, warned the Socialists against doing anything that might jeopardise India's freedom. He assured them that once they found that they had lost the confidence of the people they would gladly quit the Government and serve the country in other ways.

Stressing the need of strengthening the Congress in order to preserve the country's freedom Pandit Nehru warned Congressmen against indulgence in party squabbles. He was glad to say the conditions in India were comparatively more stable than in other countries, but reminded them that the Congress was the oldest and the best organised body in the country and to weaken it was to imperil the freedom of the nation. He was opposed to Congressmen taking part in fruitless controversies and was for that reason opposed to the creation of linguistic provinces in the present context of events.

Surveying the economic situation in the country, the Prime Minister deplored the capitalists' and industrialists' failure to respond to all the gestures of goodwill by the Government. The capital was still shy although they had followed a most cautious policy. He thought that money was being held back to bring pressure upon the Government. He warned the capitalists that such a policy was suicidal in their own interests and would in the long run, recoil on them.

There was a clash of ideologies all the world over, the Prime Minister continued. The policy of the Government of India had not been bold in economic matters. He wished they had followed a more radical policy. But they did not want to take risks. There was a lot of dislocation in the country already. The present social economic system, however, he added, could not last long in this fast chang-

ing world. And if the Indian capitalists did not adapt themselves to the new situation events would supersede them. They might or might not be in the Government but the Indian capitalists would live to learn the lessons of history.

REHABILITATION OF REFUGEES

The problem of refugee rehabilitation, on which Babu Purshottamdass Tandon had strongly spoken earlier appeared to be uppermost in Pandit Nehru's mind, though he did not make any reference to the demonstration made today and yesterday by the destitute refugee widows outside the pandal.

Referring to the mounting discontentment among the refugees, the Prime Minister deprecated the use of violence and abusive language in the solution of the problem. He said: "It is open to the refugees to say that if the Government were more competent, greater progress would have been made in the task of rehabilitation. But they must admit that it is not due to any lack of will on our part that we have not been able to achieve as much as we wanted. It might be that I was not fully competent to handle the job." The Prime Minister did not deny that the Government had made errors in their handling of the problem.

Explaining the Government's policy, Pandit Nehru said: "The problem of the refugees has a special significance for Delhi. Lakhs of refugees have sought refuge in the capital. It was natural for them to here come to Delhi. The influx of the refugees has however, created several complications and difficulties for the original residents of the place and more particularly the trading classes here. The Government's policy is to help the refugees in their rehabilitation here and all our resources will be utilised in carrying out this policy".

Referring to the controversy over his letter to Dr. Choithram Gidwani, President of the All-India Refugees Association, regarding the Government's moral and legal responsibility to compensate the refugees for their losses in Pakistan, Pandit Nehru said: "I understand that some of my refugee brethren are angry with me on my reply. I had conceded in my letter that the Government were legally and morally responsible for helping the refugees in their rehabilitation in so far as their resources allowed them to do so. But the losses of the refugees are so colossal that it is beyond our financial resources to fully meet them. This, however, does not mean that we want to shirk our responsibilities towards the refugees".

REFUGEES' PROPERTY

The Prime Minister added: "The refugees have left in Pakistan property of far greater value than that left by those who have left India for Pakistan. We are making every effort to find a satisfactory solution of the problem of the disposal of evacuee property in the two Dominions. Our representatives will meet the Pakistan representatives in a few days to discuss this question. We must, however, not lose sight of the fact that there cannot be any unilateral decision as we are dealing with a Government. I am, however, hopeful that the forthcoming talks will yield satisfactory results".

The Prime Minister advised the refugees to co-operate with the authorities in the gigantic task of rehabilitation. He asked them not look towards Government for everything and give up the habit of blaming the administration for all mishaps.

Speaking earlier, Babu Purushottamdas Tandon expressed strong dissatisfaction at the slow pace of refugee rehabilitation. He urged upon the Government and the Prime Minister to expedite the building of more houses for refugees.

Enclosure to Despatch No. 543,
dated June 25, 1949, from
American Embassy, New Delhi, India.

HINDUSTAN TIMES June 20, 1949.

CONGRESS ALONE CAN SAFEGUARD FREEDOM

PANDIT NEHRU'S ADDRESS AT POLITICAL CONFERENCE

COMMUNIST POLICY CRITICIZED

(By Our Staff Correspondent)

Pandit Nehru yesterday emphatically said there was no political organization, except the Congress, which was capable of safeguarding India's newly-won freedom.

In a frank 70-minute address to the Delhi Political Conference, he admitted that many faults had crept into the Congress organization, but was certain tthat should it withdraw from the field, about 50 political organizations would begin fighting for power and chaos would result.

Referring to the present policy of the Communist Party, Pandit Nehru said that while he agreed with many aspects of Communism, he was totally opposed to the Party's policy. It was trying to instigate unrest and chaos in the country which, if successful, would mean that no programme, whether of the Congress or any other party, could be carried out. It would only result in the weakening of the nation.

Regarding the significance of the South Calcutta by-election, he said no attempt should be made to underestimate it. It was clear that the people of that locality in Calcutta were annoyed with the Congress organization as well as with the provincial Government. It was likely that people in other areas were similarly annoyed. It was up to Congressmen to find out the reasons for this and try to remove them.

He did not try to hide that many faults had crept into the Congress, which, if not removed, would weaken the organization. If Congressmen wished to maintain their party's honour, they would have to give less thought to group rivalries and office-seeking. He also deplored the habit of expelling Congressmen who sincerely differed from the party instead of winning them over.

New Elections In 1950

P.T.I. adds: Pandit Nehru said it had been tenatively decided to declare India a republic on January 26, 1950, after the new constitution had been adopted in October this year. The preparation for elections, which were going on, might take some time and it might not be possible to hold them before the winter of 1950. However, he was eager to find out in the interim period, if this could be done, what the people felt towards the Congress and the Government and their policies.

Reviewing the work of the Government, the Prime Minister said the face of India had changed and was continuing to change. The States were disappearing and the old map had gone out of date. In economic matters the Government had adopted a halting policy and did not undertake any radical changes. This was done deliberately as they did not want to disrupt the present system.

He said the capitalists who were deliberately trying to hoard wealth and were not investing it to increase production were following a short-sighted policy. This policy was against national interests. The future of the capitalists depended on the future of India. If India progressed they would also prosper. Otherwise there was danger of other forces coming on top.

The refugee problem, Pandit Nehru said, could not be solved by Government loans or free rations. Lakhs of refugees had to be rehabilitated permanently and made to contribute their mite to the national wealth. It was wrong to expect the Government to compensate the refugees fully. It was an impossible task. The Government would, of course, do its best to aid the refugees, but it was for the people of India as a whole to help them. Their problem could be further eased if the forthcoming inter-Dominion conference on evacuee property came to a satisfactory conclusion.

The Prime Minister made a reference to the meetings of the Congress Assembly Party, which were not open to the Press, and said the way some members gave a version of the proceedings was not credible. A case in point was the version of his remarks on the Calcutta election at the meeting of the party a day before the Constituent Assembly adjourned. This version, he said, did not accord with facts and helped to create

a lot of misunderstanding. Papers had written editorials on the basis of the version. He however, felt that it would be better to throw open such meetings to the Press as in that case there would be no possibility of any wrong statements being accepted.

TANDON'S PLEA

Mr Purushottam Das Tandon, Speaker of the U.P. Legislative Assembly, who also addressed the conference made a strong plea for evolving a common culture in India.

He said talk of the two-nation theory and two cultures had brought ruin in its wake. It had to be abandoned and the people had to move with the times.

Referring to the unhelpful practice among people of quoting scripture and verse in support of their arguments on social and cultural matters he said they were making a big mistake. Whatever was worthless in religion had to be thrown away and what was needed today should be retained. This applied, Mr Tandon added, to all religions. He quoted a Sanskrit stanza and a Persian couplet in support of this view which said that no longer could the anti-diluvian aspects of religions be relied on. It was fundamentally a question of understanding ethical and spiritual import of religion, of human decency, although pandits and moulvis might disagree with it.

In India in the name of religion, he said, much blood had been shed, millions had been killed and uprooted from their homes, both Hindus and Muslims. This was the direct result of the narrow outlook of the people and their fanaticism to stick to what had been laid down in the religious books or what some leader had said at one time.

Mr Tandon said that though other questions of food and inflation were important they could be solved in course of time.

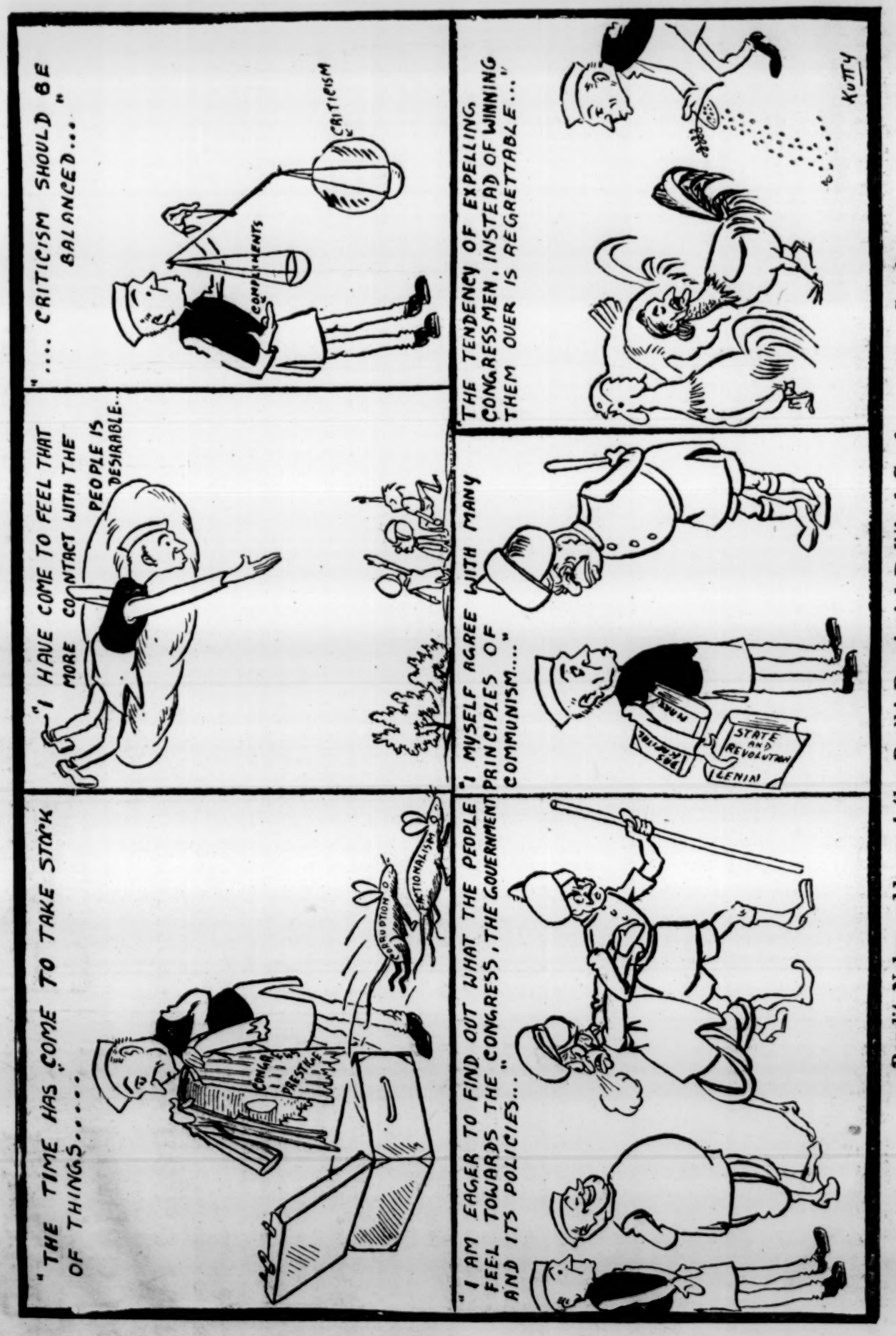
Referring to the refugee problem, Mr Tandon said it was the responsibility of the Government to settle them and even if the people had to be taxed for it this should be done.

He reminded Congressmen that they should look to their old motto of service of the people and not to hanker for either office or other benefits. He suggested that if it was found necessary the Congress leaders, who were now in the Government, should come out of it and as before guide the people. The Congress had both to run the government and organize the people. In that way alone the question of relationship between Congressmen and the Congress Governments could be solved.

Enclosure to Despatch No. 543,
dated June 25, 1949, from
American Embassy, New Delhi, India.

INDIAN NEWS CHRONICLE June 21, 1949.

AFTERTHOUGHTS



Pandit Nehru addressed the Delhi Provincial Political Confer ence on Sunday.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 729

AMERICAN EMBASSY

RESTRICTED

New Delhi, India, August 24, 1949

SUBJECT: Deliberations of Constituent Assembly for Period July 30 to August 12, 1949.

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DIVISION OF SOUTH ASIAN AFFAIRS
SEP 12 1949
DEPARTMENT OF STATE.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C.

SIR:

I have the honor to report to the Department on the accomplishments of the Session of the Constituent Assembly which met on July 30 and adjourned on August 12, 1949. During this session the Assembly continued its consideration of the Draft Constitution of India. It was originally hoped that the second reading of the Draft Constitution by the Assembly could be accomplished by August 15. As the session progressed it became evident that this objective could not be achieved. The session succeeded, however, in disposing of a number of controversial questions including the division of revenue between the Central and Provincial Governments, the Government of Centrally Administered Areas, the conditions under which the Central Government could take over the control of Provincial Governments in cases of emergency, and the requirements for Indian nationality. The decisions of the Assembly on the foregoing questions will be discussed in this despatch.

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Powers of Provincial Upper Legislative Chambers:

Dr. B. R. AMBEDKAR, the Indian Minister for Law, who is piloting the Draft Constitution in the Assembly, suggested that the membership of the Provincial Upper Houses not be more than 25 percent of the total number of members of the Lower House in the province concerned, provided that the membership of the Upper House of any Province should not be less than 40. He asked that the composition of the Upper Houses in the Provinces, which are generally called Councils of State, be left to a future Parliament to decide. Dr. Ambedkar also submitted for the consideration of the Assembly a provision authorizing Parliament to abolish the Provincial Upper Houses provided a majority of the membership of the Lower House in the province and a two-thirds majority of members present so voted. Another clause submitted by Dr. Ambedkar provided that a bill approved by the Lower House which was rejected, held for more than three months, or passed with crippling amendments by the Upper House, could become law in a period of one month after passage again by the Lower House.

The members of the Assembly, while accepting the greater part of the suggestions of Dr. Ambedkar, did not approve of his proposal

that

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that the composition of Provincial Upper Houses be left to a future Parliament to decide. They agreed with the statement of Dr. RAJENDRA PRASAD, President of the Assembly, that the adoption of this suggestion would in his opinion mean that the Assembly was evading its responsibilities. While expressing appreciation of the difficulties of the Drafting Committee in achieving a solution to this question satisfactory to all members of the Assembly, he recommended that the controversial provision be referred back to the Drafting Committee for further consideration. His recommendation was accepted by the Assembly.

Comment: The difficulty in obtaining the approval of the Assembly to the proposals of the Drafting Committee regarding the establishment of the Upper Houses in the Provinces is the result of the varying opinions held by the members of the Assembly as to the powers and composition of the Upper Houses. Some members feel that there should be no Upper Houses; others feel that, while the existence of Upper Houses has its advantage, their powers should be greatly curtailed. Then some members feel that the Provincial Councils of State should be vested with comparatively wide powers in order to prevent the welfare of the Provincial peoples from being endangered by hasty and ill-conceived legislation of the Lower House. There are also wide divergencies of opinion as to the composition of the Upper Chambers. Some people believe that the members should be elected; other recommend that the members be nominated; while others feel that some members of the Provincial Councils should be elected and some should be nominated.

Form of Government for Centrally Administered Areas:

The Assembly passed the clause in the Draft Constitution authorizing Parliament to establish legislative bodies in the centrally administered areas. According to the provision approved by the Assembly, such legislative bodies can be elected by the people of the area concerned, nominated by the Central Government, or be partly nominated and partly elected.

Comment: The areas covered by the foregoing clause are as follows:

Ajmer-Merwara, including Panth Piploda;

Coorg; and

The Province of Delhi.

There has been a great deal of controversy over the future of these areas. Many people believe that they should be merged in the larger adjoining political units. For example, in the debate in the Assembly over this article, some of the members strongly urged that Delhi be amalgamated with the United Provinces while others recommended that it be merged with the East Punjab. The only Delhi representative in the Constituent Assembly, Mr. DESHBANDU GUPTA, believes that Delhi should be permitted to retain its separate political entity but that the people of Delhi should be given a voice in the Government of the Province.

Power

Power of Central Government Take Control of Provincial Administration in Case of Emergency:

The Assembly approved after a rather extended debate the clauses in the Draft Constitution authorizing the President of the Indian Union, if he is satisfied that a grave emergency exists or is imminent "whereby the security of India or of any part of Indian territory is threatened by war or external aggression or internal disturbances", to issue a proclamation to this effect and to assume to himself all functions of the Government of a Province. The clauses further provide that any proclamation of emergency issued by the President shall be laid before each House of the Central Parliament and shall cease to operate at the end of two months unless approved by both Houses of the Central Parliament. The President is also required to lay the proclamation assuming control of the administration of a Province before the Central Parliament, and such a proclamation will cease to operate after six months unless Parliament extends it for other six months periods. In no case, however, can the Central Government keep control of the administration of a province for more than three years.

Comment: The question of the emergency powers of the President was one of the most difficult problems confronting the Constituent Assembly. Under Section 93 of the Government of India Act, 1935, the Governor of the Provinces was authorized to assume control of the administration of the State in cases of emergency. After the resignation of the Congress Ministries over the participation of India in the war in 1939, the Government of many of the Provinces of India was carried on by the Governor under this Section. The rule of the Governors was criticized severly by the Congress leaders on the ground that such Governments ignored the wishes of the people. Consequently many Congressmen, recalling these events, are extremely loath to endorse the inclusion in the Constitution of clauses permitting the National Government to take over administration of Provincial Governments. A number of members of the Assembly condemned the granting of such extensive powers to the Central Government, and declared that the inclusion of these provisions made a "sham" of provincial autonomy. The higher Congress leaders, however, evidently feel that the Central Government must have the powers provided for in these clauses and were successful in imposing their wishes upon the members of the Constituent Assembly.

Distribution of Revenue Between Central Government and Provinces

It has been generally conceded from the very beginning of the Constitution-making process in India that the question of the distribution of the national revenues between the Central Government and the provinces would arouse a great amount of controversy. Many members of the Constituent Assembly, more solicitous of the well-being of their provinces than of the financial situation of the Central Government, took occasion during the debate on the articles defined below to make impassioned pleas for the need of their various provinces for a greater share of the national revenue. The Constituent Assembly, accepting the compromise reached at a recent conference of provincial finance ministers, finally passed the clause in the Draft Constitution authorizing the President to prescribe the percentage of income tax proceeds to be returned to the provinces until such time as he issues another order embodying permanent arrangements on the basis of recommendations of a financial commission.

There

There was one clause appearing in the Draft Constitution which prohibited the Government from levying any duty on salt. The reason why such an unusual provision was included in the Draft Constitution was the fact that Gandhi predicated one of his campaigns against the British in India on the claim that a salt tax should be withdrawn, as it bore most heavily on the poorer classes. As Gandhi's anti-salt tax campaign formed a milestone in the Indian struggle for independence, many members of the Assembly felt that the Constitution should include a provision specifically prohibiting the Government from levying any sort of tax on salt. An amendment was submitted, which was endorsed by Dr. Ambedkar, to omit the provision prohibiting a tax on salt. This amendment was approved over vociferous opposition only after the intervention of Pandit Nehru. The latter was able to carry a majority of the members of the House with him after stating that it would be wrong to do something which might come in the way of the national good in the future and that inclusion of the article would be contrary to the welfare of the nation. Pandit Nehru pointed out that the inclusion of the article in its present form would prevent the Government of India even from levying duties on the import of salt from abroad.

There was another financial provision of importance passed during this session, i.e., that providing for grants by the Central Government to the provinces of Assam, Bengal, Bihar and Orissa in place of the export duty on jute which up to the present has been shared among these provinces.

Comment: As indicated above, the theme which appeared most frequently in the debates on the financial provisions of the Draft Constitution was the necessity of a greater amount of financial help from the center for the poorer and less developed provinces. One criticism which was vociferously expressed by several members was that the prerogatives of Parliament were being overlooked in that the President (acting on the advice of the Cabinet) was charged with the responsibility of implementing the recommendations of the Financial Commission appointed to advise the Government on the distribution of tax proceeds between the Central and Provincial Governments. These members thought that the implementation of the Financial Commission's report should devolve upon Parliament rather than the President. Members of the Drafting Committee answered this charge by pointing out that the President and the Cabinet were likely to be more impartial in implementing the decisions than the House, particularly in looking out for the needs of the backward provinces which have small numbers of representatives in the House compared with the more populous and richer provinces.

To a certain degree the decision to appoint a Financial Commission to make recommendations regarding an equitable distribution of the tax resources of the nation, and to authorize the Central Government to implement the Commission's recommendations, signifies an increase in the powers of the Central Government at the expense of the provinces. The decision will mean in effect that the provinces will be financially dependent upon the Central Government rather than comparatively independent as they would be if it were laid down in the Constitution--as some members wished it to be--that a specified percentage of the income tax collections should go to the provinces and a certain percentage to the Central Government.

Definition

Definition of Indian Citizenship:

The provisions in the Constitution defining Indian citizenship were approved towards the end of the Session under review. They provide that a person domiciled in India is a citizen of India if (a) he was born in India or (b) either of his parents was born in India or (c) he has been resident in India for five years prior to the effective date of the Constitution provided that he has not voluntarily acquired citizenship in a foreign State. A person who has migrated from Pakistan to India will be a citizen of India if he or one or more of his parents or grandparents was born in either India or Pakistan and (a) if he migrated to India before July 19, 1948 he has ordinarily resided in India since that date or (b) if he migrated to India after July 19, 1948 he has been registered before the appropriate authority as an Indian citizen. Moreover, a person who migrated from India to Pakistan after March 1, 1947 shall not be citizens of India except those who received permission from the appropriate Indian authorities to return to India to reside permanently and are registered as Indian citizens. This last provision was inserted in order to provide for the Muslims who, although they went to Pakistan during the partition disturbances, have since obtained permission to return to India to reside. Mr. GOPALASWAMI AYYANGAR estimated that the number of persons in the foregoing category would not amount to more than three thousand. Finally, any person who was born in India or Pakistan or any person one of whose parents or grandparents was born in India or Pakistan and who ordinarily resides outside of India will be an Indian citizen if he registers as such in an Indian diplomatic or consular office.

Comment: There was a great deal of criticism expressed by the members of the Assembly at the citizenship provisions. One member went so far as to urge that the provisions be discarded, as previous drafts setting forth citizenship qualifications had been, and new proposals drafted. The chief criticism of the provisions was that they would make it too easy to acquire Indian citizenship. Assembly spokesmen for refugee groups castigated the provisions because they were too liberal in respect to Muslims who returned to India after the partition disturbances, and would require Hindu and Sikh refugees from Pakistan to "fill in masses of papers" before their citizenship status would be regularized. Incidentally the Pakistan High Commissioner told me that he considered the citizenship provisions to be reasonable and that he felt that Mr. Gopalaswami Ayyangar, who has played a leading role in the determination of Indian Government policy on matters affecting Indo-Pakistan relations, was trying to be as fair as possible. The Pakistan Commissioner added, however, that sometimes it was difficult for Mr. Gopalaswami Ayyangar to pursue a reasonable policy because of the pressure exerted upon him by refugee groups and other persons with a strongly anti-Pakistan outlook.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

File no. 350
JJeffersonJones,III:eb
Copies to: Calcutta, Bombay, Madras
Karachi

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

DC/R

DIVISION OF SOUTH ASIAN AFFAIRS

SEP 20 1949

DEPARTMENT OF STATE

UNCLASSIFIED File

ACTION: NEA
INFO
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FROM: American Embassy
New Delhi, India

Date of
Mailing: September 19, 1949

Date Recd: Sept. 25, 1949
3:02 p.m.

Secretary of State

Washington

A-968, September 19, 1949

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Constituent Assembly adjourned on September 18, 1949 after passing Article 1 of the Draft Constitution which reads as follows: "India, that is Bharat, shall be a Union of States".

This article was a very controversial one as some members felt that the name of the country should be India while others felt strongly believed that an Indian name should be chosen. After much discussion the Article a compromise was effected and India will be the official name in the English version of the Constitution. It is expected that when the Hindi version is adopted the order of the words will be reversed so that the Article will read as follows: "Bharat, that is India, shall be a Union of States". As the Department is aware Bharat is the ancient Sanskrit name of the country.

According to the present plans of the leadership of the Constituent Assembly, it will meet again on October 6 and adjourn on October 17 or 19. During this session it is anticipated that the second reading of the Constitution will be completed. It is likely that the third reading, or final passage, will take place during a session to be called probably in December with the result that the Constitution can be proclaimed next January 26, the day which is celebrated by Congress as Indian Independence Day.

A despatch regarding the accomplishments of the session of the Constituent Assembly, which has just been adjourned, is in the course of preparation.

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JJeffersonJones,III:asi

845.032/9-1949

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PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

UNITED STATES

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

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AMERICAN EMBASSY

No. 352

New Delhi, India, September 27, 1949

SUBJECT: Deliberations of the Constituent Assembly, 12 September 1949

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON.

Sir:

I have the honor to refer to [illegible] Despatch No. 729 of August 24, 1949 entitled "Deliberations of Constituent Assembly for Period July 30 to August 12, 1949", and to report that the current session of the Constituent Assembly [illegible] September 12, 1949. It is scheduled to meet at New Delhi [illegible] October 17 or 18, 1949 in order to finish the second reading of the draft constitution according to the present plans of the Government [illegible] will be completed [illegible] session to be held [illegible] December of the present year. [illegible] promulgated on January 26, 1950, the [illegible] Congress has been [illegible]

The session of the Assembly was a very crowded [illegible] disposing of a number of important [illegible] The most important of the questions on which agreement had been reached before the session was that regarding the [illegible] provincial governments in connection with the various [illegible] abolition of the zamindaris. Another important [illegible] session was that regarding the future [illegible] important aspect of the debates in the Assembly on the [illegible] was the ability of the Constituent Assembly to [illegible] controversial questions without causing a split in the Congress Party, to which the overwhelming majority of the Constituent Assembly members belong. During the considerations of the question of the future national language it appeared that the unwieldy Congress legislative party, composed of diverse elements united only on the basis of a common dedication to the cause of Indian independence, might disintegrate [illegible] on this question. As the result however of the party [illegible] Congress leadership and the willingness to compromise exhibited by the members the Congress fiction of unity, which has been [illegible] to the present [illegible] the deliberations of the Constituent Assembly [illegible] session.

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One [illegible], if not particularly significant, development which occurred during the session was the formation of an opposition party to Congress to be called the Social Democratic Party in the Constituent Assembly (Legislative). The opposition consists of 12 members of the Assembly headed by the Speaker himself, Professor K T Shah, and includes five ex-Congressmen who recently resigned from the Congress, five former Indian Legislators, and one Socialist (the subscribership of the Socialist members of the new party to the Socialist Party of India headed by Jai Prakash Narain is not clear). It would appear from the announced platform of the new party that its objectives will differ little if any from the Congress. So far as the Embassy can ascertain, the only concrete point on which the principles of the new party differ from those of Congress concerns the [illegible] activities of the Central Government's service those of the provincial governments. [illegible] party announced that it opposes [illegible] Central Executive at the expense of the Central Legislature and the provincial governments. Apparently the new party [illegible] Constituent Assembly and present evidence indicates that it will be [illegible] core an important factor in Indian politics [illegible] present form.

Amendments to the Government of India Act

The Government submitted two amendments to the Government of India Act 1935 to the Assembly. One of these [illegible] Central Government with the power to make [illegible] custody, removal and discipline of [illegible] and the Governor-General to make [illegible] necessary with respect to [illegible] relating to elections.

Comment: The [illegible] uniformity in legislation dealing with [illegible] considered this amendment advisable as the provincial [illegible] with evacuee property were then nearing completion.

The purpose of the second amendment is to enable the Government to issue the writs for elections [illegible] in the interval between the Constituent Assembly (Legislative) and the Dominion Parliament. It has already been announced that elections for the Provincial Legislative Assembly will be held in January, 1950. The Government of India is anxious to have the new Parliament in session as necessary to authenticate the [illegible] and may even [illegible] adequately for representation of minorities. However, it is likely that instead of holding the elections for the Provincial Legislatures on the basis of separate electorates, as is provided for by the Government of India Act 1935, the Government may establish joint electorates, which, it is hoped, may reinforce the constituencies [illegible] will vote together in a particular electorate.

There was really no opposition to the amendment on the grounds that it gave dictatorial powers to the Governor-General. The Government spokesmen in the Assembly assumed it to be unlikely that the Governor-General would of course act upon the advice of his Ministers.

The Government

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The Government [illegible], however, made a concession to the opposition of the [illegible] that the draft constitution [illegible] by the Governor-General [illegible] would be laid before the Assembly.

Composition of Provincial Legislatures

The [illegible] clause, providing that the composition of the Upper Houses of the Provincial Legislative Assemblies would be as follows:

One-third of the members elected by the Assemblies and other [illegible] bodies,

One-third elected by the members of the Provincial Lower House from [illegible] candidates [illegible] Lower House;

One-[illegible] nominated by the Governor;

One-[illegible] by the Ministry;

The clause also provides that the Indian Parliament can alter composition of Provincial Upper Houses at any time.

In view of the wide divergence of opinion on this question the Constitution Drafting Committee [illegible] decided that the composition of Provincial Upper Houses should be left to a future Parliament to decide. A number of members of the Assembly, however, felt that the question of this upper chamber should be settled by the Assembly and that all provisions relating to it should be removed from the draft Constitution. The Government, in addition to the Drafting Committee, opposed a provision satisfactory to the majority of the Assembly. There were a number of objections made on the floor of the Assembly to the new draft but the Government was able to obtain the requisite number of votes for its passage.

Emergency Powers of President

On August 20 the Constituent Assembly passed articles 277 and 280 which further defined the powers of the President in case of an emergency. (Some provisions dealing with the emergency powers of the President had already been approved). Article 277 authorized the President, when a state of emergency exists, to modify the financial arrangements between the provinces and the central government. Article 280 empowers the President during a state of emergency to suspend the right of Indian citizens to appeal to the courts for the enforcement of the fundamental rights. The article requires, however, that the regulations which the President may issue under the articles shall be laid before parliament as soon as possible.

Comment

Mr. Whitt

Distribution of Legislative Powers between the National and Provincial Governments

The Constituent Assembly completed its consideration of the list of subjects to be dealt with by Central Government in connection with September 4; the list of subjects on which the provincial Governments will exercise their own powers; and subjects on which there will be concurrent powers by both the Central and Provincial Governments on September 20. The first category will form the basis under the terms of the Cabinet Mission's plan for the setting up of the National Government with an immediate transfer of power. Subjects in the second category will be transferred from the list of concurrent subjects as and when the provincial governments desire. The third category, which has given rise to very vocal opposition on the part of the Muslim League, the Assembly decided to leave to the Federal Government, with the provision that the Supreme Court will have the authority to lay down principles governing the exercise of this power. Under the terms of the Cabinet Mission's plan, the Union Government will have the power to levy taxes on income other than agricultural income, estate duty in respect of property passing on death, succession duties, taxes on the capital value of assets, exclusive of agricultural land, of individuals and companies, taxes on the sale and purchase of goods, and taxes on the advertisements published in newspapers and the sale of newspapers. Provincial governments will have the power to levy taxes on agricultural income, succession duties in respect of agricultural land, taxes on mineral rights subject to any limitations imposed by Federal law in the national interest, taxes on entertainments, amusements, betting and gambling, taxes on the consumption or sale of electricity, taxes on the sale of goods and on advertisements other than those published in newspapers or broadcast by radio, taxes on goods and passengers carried by road or on inland waterways, taxes on professions, trades, callings and employments, capitation taxes, taxes on animals and boats, and taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

Fundamental Rights

The only important change in the fundamental rights which emerged from the debate on the list of state subjects was the acceptance by Dr. Ambedkar of an amendment providing for the exemption of the subject of prevention of adulteration of food from the state list to the concurrent list.

Civil Liberties: There was a wide division of opinion among members of the Assembly over the division of powers between the National Government and the provincial governments. Some would confer upon the national Government only a very few powers, all of which would be specifically listed, while others would desire it to be given wide powers, the residue of the provincial governments. Some others would like to have it placed on the concurrent list. The Home Member's views prevailed in every case, other than the question of prevention of adulteration of foods and the power to tax newspapers and newspaper advertisements. Additionally, many members objected at the speed with which the bills were rushed through the Assembly. Dr. Prasad answered these objections with the statement that the Assembly had a time table to which it must adhere.

Taxation of Property Belonging to Central and Provincial Governments

The Assembly approved on September 9, 1946 Article 264 of the draft constitution which provided that Central Government property would be exempt from taxation imposed by provincial or local governments, except that local governments would be permitted to continue to levy taxes on Central Government property on which such property was subject immediately before the date the constitution would go into effect. The Assembly passed another article, no. 260, on the same day, which provided that the property and income of a province would be exempt from taxation by the Central Government except that the Central Government could tax any trade or business carried on by a provincial government.

Comment

[illegible] the Assembly sessions were attended by a few members who main-
[illegible] ovincial or local or irrelevant would be
[illegible] of the article, particularly if the
[illegible] activities in the economic fields. The
[illegible] or abolish without the Government to undertake any business
[illegible] Government would be brought to the various
[illegible] the Governments of the states.
[illegible], whether they succeed, are probably due to dispel their
[illegible] one of the primary objectives
[illegible] Government after 1951 will be a measure of the confusion
[illegible] Federal Government after 1951 will seldom industrial ex-
[illegible] be encouraged.

Application of Article to the State

Article 31 as framed by the Drafting Committee, provided that no
[illegible] except in accordance with a law
which provides for compensation and which has received the approval of the
President. It also provides that no State Legislature
[illegible] Act of Parliament of the Constitution, or any law enacted by a
[illegible] Legislature to which the assent of the President, shall not be
called in question before any court on the ground that it does not provide
compensation.

Comment: The foregoing article is of very serious import because of its re-
[illegible] to the Zamindari (large landholdings) abolition bills passed or
under consideration by various provincial legislatures. The validity of
large estate laws depends on the article not the Congress
and three provinces, the United Provinces, Bihar, and Madras, have passed
zamindari abolition bills. These bills were subjected to lengthy
during the debates. The landowners represented in the Assembly wanted the
question of compensation put on the law books while the reform bills to be
justiciable, while more radical Congressmen were for having only nominal
that no compensation at all be paid. Certainly the article as approved by
the Assembly represents a compromise between these opposite views com-
pensation will be paid but the question of the amount of compensation cannot
be questioned by the courts. Congress supporters point out that the article
will protect the landowners against confiscation of their lands but that it
will also prevent the various land reform programs of the provinces from be ng
obstructed by long drawn out litigation in the courts.

The Indian National Language

In brief, Article 301, which was passed by the Assembly on September 14,
provides that Hindi in the Devanagari script with the "international form of
Indian numerals" will be the official language of the Indian Union but that
English shall continue to be used for all "official purposes" of the Union
for a period of fifteen years. The President is empowered by the article after
five years to appoint a commission composed of persons representing the
more important Indian languages to make recommendations regarding the progres-
sive use of Hindi and the Devanagari form of numerals for the official pur-
poses of the Union, which the President may place in effect. A provincial

Government

Government even during the fifteen year period may adopt Hindi or any other Indian language spoken in the Province as the official language of the Province.

Comment: The Article as approved by the Assembly on September 14 represented a compromise between those people, mostly from northern India and particularly from the United Provinces, who desired that Hindi be adopted immediately as the official language of India and the non-Hindi speaking representatives from South India.

The debate, which lasted for three days, was somewhat acrimonious. The partisans of Hindi appeared their emotional predilection for the language of India's erstwhile conquerors while the non-Hindi speaking members hurled accusations of intolerance and fanaticism. It required the intervention of Nehru before the compromise was accepted.

Abolition of Jurisdiction of the Privy Council

See the Embassy's despatch no. 442 of September 26, 1949 for a discussion of the action of the Constituent Assembly in abolishing the jurisdiction of the British Privy Council.

Name of the Country

The decision of the Constituent Assembly to retain the official name "India" in the English version of the constitution, and the name "Bharat" in the Hindi version was discussed in the Embassy's airgram A-966, September 19, 1949.

Other Provisions of the Draft Constitution approved by the Session under Review

The Constituent Assembly in its session under review approved a number of provisions in the draft constitution other than those discussed above. These include the question of amendment of the constitution, government of the tribal areas in Assam, the establishment and functions of a public service Commission, and several others.

Respectfully yours,

Henry F. Grady
Chargé d'Affaires a.i.

JJeffersonJones,III:sm

Enclosure:
Clippings from Hindustan Times August 2[illegible], 1949

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CC: Embassy, London
Consulates, General, Bombay, Calcutta, Madras.

Enclosure to Despatch No. 852 dated September 27, 1949, from American Embassy, New Delhi, India, entitled: "Deliberations of the Constituent Assembly, August 19 to September 18,1949.

THE HINDUSTAN TIMES, SUNDAY, AUGUST 21, 1949

SUSPENSION OF RIGHTS DURING EMERGENCY

CONSTITUENT ASSEMBLY ADOPTS PROVISION

PRESIDENT'S POWER TO MODIFY FINANCIAL ARRANGEMENTS

The Constituent Assembly yesterday adopted two articles, both of them relating to the President's emergency powers.

The House passed Article 277 under which the President would be able during an emergency to modify the financial arrangements between the provinces and the Centre.

Mr B. Das (Orissa) described the article as a "challenge to democracy" and said that even the British never exercised such powers. Mr V. S. Sarvate (Madhyabharat), on the other hand, said that it was a necessary corollary to the emergency powers already sanctioned. Without this article, it would be like having a car without petrol, he added.

Dr Ambedkar, Chairman of the Drafting Committee, said that if the President's order was likely to be injurious to the provinces, the representatives of the provinces in Parliament would be able to set the matter right.

The Assembly passed Article 280 which would enable the President during an emergency to suspend the right of Indian citizens to move a court of law for the enforcement of their fundamental rights. Such an order might extend to the whole or any part of India and would have to be laid before Parliament as soon as possible.

Several amendments seeking to restrict the President's power in this regard were rejected.

"Drastic" Powers

Mr Biswanath Das, former Premier of Orissa, opposing Article 277, said that neither the Union Powers Committee nor the Provincial Powers Committee of the Constituent Assembly desired such drastic powers as were proposed in the article being given to the President. There was a possibility of the section being misused if different political parties were in power at the Centre and in the units. He had had personal experience of such misuse of governmental power in Madras, where the Justice Party used to supersede local bodies mercilessly without rhyme or reason. What had been done in Madras by a certain party in regard to district boards and municipalities might be repeated by the Centre in regard to the units. Even the old Section 93

women's and men's hospitals in Delhi, the standard of health would improve all over India.

Mr Das concluded: "It is no use trying to frame an Utopian constitution which can be upset by any President who is not a Gandhite. And who knows that the Gandhites will rule India all along?"

Ambedkar's Reply To Kunzru

Dr Ambedkar, in reply to the debate, dealt mainly with Pandit Kunzru's amendment which, he said, was quite unnecessary. He said that the provinces would be drawing upon the Centre, in the normal course, for contributions from the proceeds of income-tax, a share of the Central excise and certain grants and subventions. The article provided that it should be open to the President when an emergency had been proclaimed to have the power to reallocate the proceeds of the income-tax, the excise duties and the grants which the Centre should be making to the provinces, and discretion was given to the President to modify the allocations.

Pandit Kunzru, he pointed out, did not differ from the Drafting Committee in leaving with the President complete discretion to modify two of the three items, namely, excise duties and grants and subventions, but confined his amendment to the proceeds of income-tax. Pandit Kunzru was not objecting to the discretion of the President even in the matter of reallocation of income-tax proceeds but he wanted that it should not be unregulated. Where was the ground to believe that in exercising the power to modify the provisions relating to income-tax, the President would arbitrarily wipe out the proceeds to which the provinces were entitled? Where was the ground for presuming that the President would not adopt the suggestions made by Pandit Kunzru?

The powers given to the executive, he said, were too drastic. "We should not visualize that the present Cabinet would remain in office indefinitely. Let us, therefore, be cautious and arm the executive only with such powers as are necessary so that the liberty of the people is not jeopardized by a panicky Cabinet."

Mr B. N. Munavalli (Bombay States) said the powers given to the President were not found in other constitutions. He moved an amendment seeking to have the orders of the President placed before Parliament as soon as it met for the first time after the orders were passed

Mr Naziruddin Ahmed (West Bengal) moved an amendment which sought to curtail the President's powers in an emergency to suspend the right to move the courts only in respect of the rights under Articles 13 and 16 of the Constitution. He felt there was no point in giving any right to a person unless he could go to court to enforce that right. Mr Ahmed said that if his amendment was not accepted, even such fundamental rights as non-discrimination, etc., could be taken away and this was absurd.

Kamath's Opposition

Bitterly denouncing the provisions of the article as moved by Dr Ambedkar, Mr Kamath said in a 45-minute speech: "By the whole of Chapter XI, particularly the article before the House, we are seeking to lay the foundations of a totalitarian State, a police State completely opposed to all the principles that we have held aloft during the last few decades. It will be a State where the rights and liberties of millions of innocent men and women will be in jeopardy. If we get peace in that State, it will be the peace of the grave and the void of the desert. I pray to God to grant us wisdom to avert such a catastrophe."

Recalling that the article was held over in order to give the Drafting Committee time to produce a better one, Mr Kamath, quoting a Sanskrit verse, compared the result of the Committee's labours to those of the man in making the model of a monkey.

"We are trying to build our constitution on the basis of the fundamental rights," said Mr Kamath. "But surmounting that edifice of democracy is this arch of autocratic reaction. I appeal to the House not to dismiss this matter airily. When tempests blow the weight of this great negation will be so heavy that the whole edifice will collapse."

Strong Centre

He was in favour of a strong Centre in times of emergency. He, however, would point out that a strong Centre did not mean merely a strong executive. The Centre meant Parliament plus the executive plus the judiciary. If the House wanted a strong Centre, it should make all these three elements strong and not merely a small coterie or caucus in power. "If this article is passed, can we say with any

dent's orders, suspending the rights to move courts for the enforcement of the fundamental rights.

In the general debate that followed, Mr R. K. Sidhwa strongly supported the article holding that in times of war or national emergency the President and the Central Government must be bestowed with all the powers necessary. There were many mischief-mongers and enemies of the country both within and without who wanted to endanger the freedom of the country. Individuals must be prepared to sacrifice their little personal freedom for the sake of protecting the larger freedom of the country.

Mr Alladi Krishnaswami Ayyar, supporting the article, pointed out that it was intended that the President should suspend all the rights enumerated in Chapter Three on fundamental rights. Under the article, the President might by order declare the suspension of the right to move any court for the enforcement of such of the rights as might be mentioned in the order. Instead of singling out any particular rights, it was left to the President to suspend only those rights which were necessary in the circumstances. The President would, no doubt, act in a reasonable and proper manner and not in a spirit of vandalism against fundamental rights guaranteed to the people under the Constitution.

Security Of State Essential

Referring to the general criticisms, Mr Ayyar said that the country and nation must exist before individual liberties were guaranteed.

He also reminded the critics that the expression "President" in every article must be understood as the Cabinet responsible to Parliament. That was one point which the members must remember at every stage of the discussion. It was not, therefore, a question of investing powers in the hands of a single person. If the members realized this then most of the objections would not be raised. The liberty of the individual was based on the security of the nation, and a war could not be carried on on the principles of individual freedoms. In a country with diverse conditions and divided loyalties, the maintenance of the security of the country was paramount and must be protected by all means. He said: "This provision is absolutely necessary. It will be the life of the Constitution. Far from killing democracy, it will save democracy from danger and extinction."

Mr Krishna Chandra Sharma, opposing the article, said if any rights were provided for the individual, then remedies for the enforcement of such rights should also be there. He said that even during the war, the fundamental right of approaching the High Courts had never been taken away. "If a foreign Power dominating India could fight a war for its own safety and still afford to give certain fundamental rights to the people, I do not [illegible] State

Enclosure to Despatch No. 852 dated September 27, 1949, from American Embassy, New Delhi, India, entitled: "Deliberations of the Constituent Assembly, August 19 to September 18,1949.

THE HINDUSTAN TIMES, SUNDAY, AUGUST 21, 1949

PENSION OF RIGHTS DURING MERGENCY

TITUENT ASSEMBLY OPTS PROVISION

DENT'S POWER TO MODIFY NCIAL ARRANGEMENTS

uent Assembly yesterday adopted two articles, ating to the President's emergency powers.

passed Article 277 under which the President uring an emergency to modify the financial ar- veen the provinces and the Centre.

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women's and men's hospitals in Delhi, the standard of health would improve all over India.

Mr Das concluded: "It is no use trying to frame an Utopian constitution which can be upset by any President who is not a Gandhite. And who knows that the Gandhites will rule India all along?"

Ambedkar's Reply To Kunzru

Dr Ambedkar, in reply to the debate, dealt mainly with Pandit Kunzru's amendment which, he said, was quite unnecessary. He said that the provinces would be drawing upon the Centre, in the normal course, for contributions from the proceeds of income-tax, a share of the Central excise and certain grants and subventions. The article provided that it should be open to the President when an emergency had been proclaimed to have the power to reallocate the proceeds of the income-tax, the excise duties and the grants which the Centre should be making to the provinces, and discretion was given to the President to modify the allocations.

Pandit Kunzru, he pointed out, did not differ from the Drafting Committee in leaving with the President complete discretion to modify two of the three items, namely, excise duties and grants and subventions, but confined his amendment to the proceeds of income-tax. Pandit Kunzru was not objecting to the discretion of the President even in the matter of reallocation of income-tax proceeds but he wanted that it should not be unregulated. Where was the ground to believe that in exercising the power to modify the provisions relating to income-tax, the President would arbitrarily wipe out the proceeds to which the provinces were entitled? Where was the ground for presuming that the President would not adopt the suggestions made by Pandit Kunzru?

Dr Ambedkar said that the Presi-

The powers given to the executive, he said, were too drastic. "We should not visualize that the present Cabinet would remain in office indefinitely. Let us, therefore, be cautious and arm the executive only with such powers as are necessary so that the liberty of the people is not jeopardized by a panicky Cabinet."

Mr B. N. Munavalli (Bombay States) said the powers given to the President were not found in other constitutions. He moved an amendment seeking to have the orders of the President placed before Parliament as soon as it met for the first time after the orders were passed

Mr Naziruddin Ahmed (West Bengal) moved an amendment which sought to curtail the President's powers in an emergency to suspend the right to move the courts only in respect of the rights under Articles 13 and 16 of the Constitution. He felt there was no point in giving any right to a person unless he could go to court to enforce that right. Mr Ahmed said that if his amendment was not accepted, even such fundamental rights as non-discrimination, etc., could be taken away and this was absurd.

Kamath's Opposition

Bitterly denouncing the provisions of the article as moved by Dr Ambedkar, Mr Kamath said in a 45-minute speech: "By the whole of Chapter XI, particularly the article before the House, we are seeking to lay the foundations of a totalitarian State, a police State completely opposed to all the principles that we have held aloft during the last few decades. It will be a State where the rights and liberties of millions of innocent men and women will be in jeopardy. If we get peace in that State, it will be the peace of the grave and the void of the desert. I pray to God to grant us wisdom to avert such a catastrophe."

Recalling that the article was held over in order to give the Drafting Committee time to produce a better one, Mr Kamath, quoting a Sanskrit verse, compared the result of the Committee's labours to those of the man in making the model of a monkey.

"We are trying to build our constitution on the basis of the fundamental rights," said Mr Kamath. "But surmounting that edifice of democracy is this arch of autocratic reaction. I appeal to the House not to dismiss this matter airily. When tempests blow the weight of this great negation will be so heavy that the whole edifice will collapse."

Strong Centre

He was in favour of a strong Centre in times of emergency. He, however, would point out that a strong Centre did not mean merely a strong executive. The Centre meant Parliament plus the executive plus the judiciary. If the House wanted a strong Centre, it should make all these three elements strong and not merely a small coterie or caucus in power. "When this article is passed, can we say with any degree of assurance that men and wo-

dent's orders, suspending the rights to move courts for the enforcement of the fundamental rights.

In the general debate that followed, Mr R. K. Sidhwa strongly supported the article holding that in times of war or national emergency the President and the Central Government must be bestowed with all the powers necessary. There were many mischief-mongers and enemies of the country both within and without who wanted to endanger the freedom of the country. Individuals must be prepared to sacrifice their little personal freedom for the sake of protecting the larger freedom of the country.

Mr Alladi Krishnaswami Ayyar, supporting the article, pointed out that it was intended that the President should suspend all the rights enumerated in Chapter Three on fundamental rights. Under the article, the President might by order declare the suspension of the right to move any court for the enforcement of such of the rights as might be mentioned in the order. Instead of singling out any particular rights, it was left to the President to suspend only those rights which were necessary in the circumstances. The President would, no doubt, act in a reasonable and proper manner and not in a spirit of vandalism against fundamental rights guaranteed to the people under the Constitution.

Security Of State Essential

Referring to the general criticisms, Mr Ayyar said that the country and nation must exist before individual liberties were guaranteed.

He also reminded the critics that the expression "President" in every article must be understood as the Cabinet responsible to Parliament. That was one point which the members must remember at every stage of the discussion. It was not, therefore, a question of investing powers in the hands of a single person. If the members realized this then most of the objections would not be raised. The liberty of the individual was based on the security of the nation, and a war could not be carried on on the principles of individual freedoms. In a country with diverse conditions and divided loyalties, the maintenance of the security of the country was paramount and must be protected by all means. He said: "This provision is absolutely necessary. It will be the life of the Constitution. Far from killing democracy, it will save democracy from danger and extinction."

Mr Krishna Chandra Sharma, opposing the article, said if any rights were provided for the individual, then remedies for the enforcement of such rights should also be there. He said that even during the war, the fundamental right of approaching the High Courts had never been taken away. "If a foreign Power dominating India could fight a war for its own safety and still afford to give certain fundamental rights to the people, I do not envisage that any

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of Orissa, opposing Article 277, said that neither the Union Powers Committee nor the Provincial Powers Committee of the Constituent Assembly desired such drastic powers as were proposed in the article being given to the President. There was a possibility of the section being misused if different political parties were in power at the Centre and in the units. He had had personal experience of such misuse of governmental power in Madras, where the Justice Party used to supersede local bodies mercilessly without rhyme or reason. What had been done in Madras by a certain party in regard to district boards and municipalities might be repeated by the Centre in regard to the units. Even the old Section 93 did not contemplate the suspension of allocation of grants to the provinces from the Centre. "I find neither reason nor justice in the article placed before us for approval," he said.

Mr Brajeshwar Prasad (Bihar), supporting the article, said: "At a time when there is an emergency, the whole constitution must be turned into a unitary constitution. There must be a political reservoir of power somewhere at the Centre to meet a grave emergency."

Mr Kuladhar Chaliha (Assam) described the provision as "very drastic" and expressed the fear that Assam might be the first victim of suspension of the constitution if Communists from Burma infiltrated into the eastern frontier that might under this article give the Centre a justification to stop allocations to Assam. "If we go on like this," he said, "we will make the provinces mere puppets in the hands of the Centre."

No Financial Autocracy

Mrs Durgabai (Madras), supporting the article, said it should not be forgotten that the President meant the President acting on the advice of his Cabinet, that this power sought to be given to the President was only for the period of emergency, that this power would not exceed in any case the financial year, and that its exercise was subject to the intervention of Parliament at any stage. It was not true that the article provided for the financial autocracy of the Centre.

Mr S. V. Krishnamoorthy Rao (Mysore) also supported the article. During an emergency, he said, the security and safety of the entire country must be the sole responsibility of the Centre. The safety of India would be jeopardized if there were quarrels between the Centre and the provinces over financial adjustments during a period of grave emergency.

Mr V. S. Sarwate (Madhyabharat) said that the powers sought to be given to the President were only a corollary to the emergency powers already sanctioned by the House. Not to pass the article would be like providing a car without the petrol, he said.

Mr B. Das (Orissa) said that the article would make the President "a new Frankenstein, something like the South American Presidents who could usurp all powers, including financial, and starve the provinces." He asked why the Finance Minister, who had been elected a member of the House, was not present to explain why he had advised the Drafting Committee to provide for such powers.

"The article," Mr Das said, "is a challenge to the democratic spirit of the future Parliament. Do the members of the Drafting Committee think that Parliament will not be patriotic enough to hand over in an emergency such powers to the President and the Cabinet as are given by Parliaments in other countries? I am sure that our future parliamentarians will be as good or as indifferent patriots as we all are at present."

Utopian Constitution

The Centre, Mr Das said, was only the tax-collecting agency of the provinces. It was not giving charity to the provinces. Such "usurpation" of the provinces' rights, as the article contemplated, would not be allowed in any democratic country. Even now, he said, the standard of living of the people in provinces like Orissa was much below that of the rest of India. The Central Government seemed to think that if they ceased [illegible] was not necessary to enact Article 280.

complete discretion to modify the three items, namely, excise duties and grants and subventions, but confined his amendment to the proceeds of income-tax. Pandit Kunzru was not objecting to the discretion of the President even in the matter of reallocation of income-tax proceeds but he wanted that it should not be unregulated. Where was the ground to believe that in exercising the power to modify the provisions relating to income-tax, the President would arbitrarily wipe out the proceeds to which the provinces were entitled? Where was the ground for presuming that the President would not adopt the suggestions made by Pandit Kunzru?

Dr Ambedkar said that the President would be a reasonable man and would know that to a very considerable extent the proceeds of the income-tax formed part of the revenues of the provinces. He would also know that notwithstanding emergency, it was as much necessary to help the Centre as it was to keep the provinces going. There was no necessity to tie down the hands of the President.

It was possible for Parliament to consider any order which the President might make in regard to the allocation of revenues. If the President's order was likely to be injurious to the provinces, the representatives of Parliament, who would be drawn from the provinces, would be in a position to set the matter right.

The House rejected Pandit Kunzru's amendment and adopted the article as moved by Dr Ambedkar.

Fundamental Rights

Dr Ambedkar then moved a new article replacing Article 280 relating to suspension of the rights to move the courts for the enforcement of fundamental rights during emergencies.

It reads: (1) Where a proclamation of emergency is in operation, the President may by order declare that the right to move any court for the enforcement of such of the rights conferred by Part Three of this constitution as may be mentioned in the order and all proceedings pending in any court for the enforcement of the rights so mentioned shall remain suspended for the period during which the proclamation is in force or for such shorter period as may be specified in the order.

(2) An order made as aforesaid may extend to the whole or any part of the territory of India.

(3) Every order made under Clause (1) of this article shall as soon as may be after it is made be laid before each House of Parliament.

Dr Ambedkar explained that Clauses 2 and 3 were new additions to the old article. It was felt that notwithstanding the fact that there might be an emergency, there need not be a universal suspension of the rights throughout the territory. Secondly, the original article did not contain any provision permitting Parliament to have its say in the matter of any order issued by the President. It was felt that this power of suspension of the right of enforcement of the fundamental rights should not be left absolutely unfettered in the hands of the President. Consequently, it was provided that any such order made by the President should be laid before Parliament which would be free to take such action as it deemed fit.

Bhargava's Amendments

Pandit Thakurdas Bhargava (East Punjab) moved a series of amendments. By one amendment he sought to introduce a new article 279-A by which any law or executive action taken under Article 279 (already passed by the House) in derogation of the rights guaranteed in Article 13 of the Constitution would be in force only during the period of an emergency. By another amendment, the suspension of rights by the President would remain in force only for one month unless it was approved by Parliament.

Mr Bhargava said Article 280 took away only the right to move the courts during the period of an emergency while Article 279 had taken away the rights themselves. He said it

is this arch of autocratic reaction. I appeal to the House not to dismiss this matter airily. When tempests blow the weight of this great negation will be so heavy that the whole edifice will collapse."

Strong Centre

He was in favour of a strong Centre in times of emergency. He, however, would point out that a strong Centre did not mean merely a strong executive. The Centre meant Parliament plus the executive plus the judiciary. If the House wanted a strong Centre, it should make all these three elements strong and not merely a small coterie or caucus in power. "If this article is passed, can we say with any degree of assurance that men and women will not be unjustly imprisoned and their liberties will not be trampled upon? Will their liberty be worth a moment's purchase?" he asked.

'A Plagiarized Version'

Mr Kamath contended that the article placed before the House by the Drafting Committee was a plagiarized version of the British Emergency Powers Act passed in 1920. Even so it was not honest plagiarism. The British Act provided that the proclamation should be laid before Parliament within five days of issue and would cease to operate after the expiration of seven days from the time it was so laid before Parliament unless Parliament provided for its continuance. This vital portion of the British Act had been completely omitted in the present draft. Even the Weimer Republican Constitution, whose emergency provisions came nearest to those suggested by the Drafting Committee, provided that the proclamation must be laid before the German Parliament immediately and should be revoked at the demand of the German Parliament. Under the United States Constitution, suspension of fundamental rights could be authorized only by Congress, and even then the Supreme Court of the U.S.A. could set it aside if it felt that conditions under which such suspension would be justified did not exist.

"Unfortunately," said Mr Kamath, "we who profess to be democrats have no use for these safeguards. We trust the executive implicitly. If our executive demands our trust, why should not the executive trust the judiciary and Parliament? Is our judiciary bereft of all sense of honour, integrity and wisdom? This is a most disgraceful state of affairs and I do not see how we can build any sort of a democratic State on this foundation."

The Father of the Nation, Mr Kamath reminded the House, was not in favour of a strong Centre at all. He had wanted decentralization. Even when the British Empire was involved in a life-and-death struggle, the British Government did not suspend the right of the people of this country to move the courts for writs of habeas corpus. The Talpade Case illustrated that.

Two Amendments Suggested

Mr Kamath commended to the House two amendments. One of them would vest the power of suspension in Parliament alone. Alternatively, the President might be authorized to suspend the rights but any such order would have to be laid before Parliament within 15 days and would cease to operate at the expiration of seven days from the time it was so laid before Parliament unless Parliament approved of the suspension. Even under this provision, the right to move courts for habeas corpus could be suspended by Parliament alone.

Violation Of Rights

Prof. K. T. Shah moved an amendment proposing that the right to move the Supreme Court for the enforcement of constitutional rights should not be suspended during emergencies and that in the event of any cause of action arising in respect of any violation of the fundamental rights against any person or authority, Parliament should enact an indemnity legislation in that behalf to indemnify the persons concerned.

Prof. Shibbanlal Saksena, in an amendment, suggested that the House of People should have power to amend, vary or rescind the Presi-

protected by all means. He said: "This provision is absolutely necessary. It will be the life of the Constitution. Far from killing democracy, it will save democracy from danger and extinction."

Mr Krishna Chandra Sharma, opposing the article, said if any rights were provided for the individual, then remedies for the enforcement of such rights should also be there. He said that even during the war, the fundamental right of approaching the High Courts had never been taken away. "If a foreign Power dominating India could fight a war for its own safety and still afford to give certain fundamental rights to the people, I do not envisage that any emergency could ever arise in this land in which there would be a necessity for taking away these rights."

Ambedkar's Reply

Dr Ambedkar, replying to the debate, said that he was not at all surprised at the strong sentiments expressed by some of the speakers. "The provisions contained in the clause deal with vital matters concerning the rights of the people. It is, therefore, proper that we ought to approach a subject of this sort not only with great caution but also, I am prepared to say, with great emotion, because we have passed certain fundamental rights already and we ought to be very careful as to the ways and manners we adopt in curtailing or suspending them. Therefore, my friends who have spoken against that article will, I hope, understand that I am in no sense an opponent of what they have said. In fact, I respect their sentiments very much. All the same, I am sorry to say that I do not find it possible to accept either any of the amendments which they have moved or the suggestions that they have made. I remain quite unconvinced and, at the same time, I want to add that I am no less fond of the fundamental rights than they are.

"The first question is whether in an emergency there should be suspension of the fundamental rights or there should be no suspension at all, in other words, whether our fundamental rights should be absolute, never to be varied, never to be suspended, never to be abrogated, or whether our fundamental rights must be made subject to certain emergencies. I think I am right in saying that a large majority of the House realizes the necessity of suspending these rights during an emergency. The only question is about the ways and means of doing it. The real question that we have to consider then is whether the power to suspend these fundamental rights should be vested absolutely in the President or whether they should be left to be determined by Parliament.

American Constitution

"Having regard to what is being done in other countries—and I am sure everybody in this House will agree that we must draw upon their experience and the provisions contained in the constitutions of other countries—the position is this: Under English law it is not open to the executive to suspend the writ of habeas corpus. The position of the U.S.A. is different. The position as I find it there is this: While Congress has power to deal with what are called constitutional guarantees, including the suspension of the writ of habeas corpus, the President is not altogether left without any power to deal with the matter. I think I am right in saying that while the power is left with Congress, the President is also vested with what might be called an *ad interim* power of suspension."

Some of the members questioned this statement by shaking their heads. Dr Ambedkar referred them to one standard authority while Pandit Kunzru referred Dr Ambedkar to another weighty authority. Dr Ambedkar said: "There are a hundred books on the American constitution. I am certainly familiar with 50"

Pandit Kunzru said that according to the best legal opinion the right to suspend the privilege of the writ of habeas corpus was vested in Congress and the President might exercise it only as Commander-in-Chief of the Armed Forces.

Dr Ambedkar said: "Whatever may be the basis of the power, my submission is that in the U.S.A., while Congress has the power, the President also as the executive head of

the State has an [illegible] suspend it. In framing the Constitution, we have more or less the American precedent. The amendment which we have before Parliament has been no power to deal with this matter. We also propose to give the President *ad interim* power to take such action as he thinks is necessary in the matter of suspension of fundamental constitutional guarantees. The difference in paring the draft article with the American position as you find it there is certainly not much difference between the two. Secondly, also, the President does not act as President in his personal capacity. We have a further safeguard in the American constitution which we have, namely, that the President will be guided by the advice of his executive and our executive will be subject to the authority of Parliament.

"Therefore, so far as the question of vesting of the power in the President to suspend any of these guarantees is concerned, my submission is that it is not altogether an arbitrary power. The proposal which is made is not either reference to any practice in any other country or any other manner without caring for the fundamental rights.

Dr Ambedkar explained that what Pandit Bhargava sought to do by his amendment was already done. Pandit Bhargava wanted that any action taken by the State in exercise of authority conferred upon it by the emergency provision to suspend the fundamental rights should automatically cease with the cessation of the proclamation. It was also his intention that not only would any law which would vanish, but anything done under that law would also cease to be operative. Anything which became inconsistent with fundamental rights would automatically cease.

Another amendment was to make sure that any order passed under the article would be ratified by Parliament. The draft article as framed by the Drafting Committee provided that the ratification must be assumed unless Parliament by resolution cancelled the President's action.

"We have provided," said Dr Ambedkar, "that the proclamation shall be placed before Parliament. Obviously, if Parliament is not in session the proclamation is placed before the next session. I think that it will be a waste of time if a lot of people coming in from all parts of India if they do not propose to take any positive action. Such a provision would be unnecessary. Once Parliament is seized of the matter, is it not proper that the matter should be left to Parliament to act? Where silence may be presumed to be consent to its continuance?"

Mr Gupta had moved an amendment under which it was necessary for the proclamation to be laid before Parliament within two months. Pandit Bhargava suggested one month. Dr Ambedkar said the original proposition would be made possible."

"I do not know," said Dr Ambedkar, "whether anybody wants to make a matter of conscience. Even if that thing was not carried out, if Gandhiji went on a fast unto death, I would say that a matter of conscience is not the way to think that the provision in the draft I have moved is the one in the circumstances.

All amendments were withdrawn or rejected as the original proposition was declared carried amidst a chorus of "ayes". Dr Ambedkar stood up and declared: "This is a day of shame. May God help the India."

The House then adjourned for the day.—P.T.I.

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The House rejected Pandit Kunzru's amendment and adopted the article as moved by Dr Ambedkar.

Fundamental Rights

Dr Ambedkar then moved a new article replacing Article 280 relating to suspension of the rights to move the courts for the enforcement of fundamental rights during emergencies.

It reads: (1) Where a proclamation of emergency is in operation, the President may by order declare that the right to move any court for the enforcement of such of the rights conferred by Part Three of this constitution as may be mentioned in the order and all proceedings pending in any court for the enforcement of the rights so mentioned shall remain suspended for the period during which the proclamation is in force or for such shorter period as may be specified in the order.

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Dr Ambedkar explained that Clauses 2 and 3 were new additions to the old article. It was felt that notwithstanding the fact that there might be an emergency, there need not be a universal suspension of the rights throughout the territory. Secondly, the original article did not contain any provision permitting Parliament to have its say in the matter of any order issued by the President. It was felt that this power of suspension of the right of enforcement of the fundamental rights should not be left absolutely unfettered in the hands of the President. Consequently, it was provided that any such order made by the President should be laid before Parliament which would be free to take such action as it deemed fit.

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'A Plagiarized Version'

Mr Kamath contended that the article placed before the House by the Drafting Committee was a plagiarized version of the British Emergency Powers Act passed in 1920. Even so it was not honest plagiarism. The British Act provided that the proclamation should be laid before Parliament within five days of issue and would cease to operate after the expiration of seven days from the time it was so laid before Parliament unless Parliament provided for its continuance. This vital portion of the British Act had been completely omitted in the present draft. Even the Weimer Republican Constitution, whose emergency provisions came nearest to those suggested by the Drafting Committee, provided that the proclamation must be laid before the German Parliament immediately and should be revoked at the demand of the German Parliament. Under the United States Constitution, suspension of fundamental rights could be authorized only by Congress, and even then the Supreme Court of the U.S.A. could set it aside if it felt that conditions under which such suspension would be justified did not exist.

"Unfortunately," said Mr Kamath, "we who profess to be democrats have no use for these safeguards. We trust the executive implicitly. If our executive demands our trust, why should not the executive trust the judiciary and Parliament? Is our judiciary bereft of all sense of honour, integrity and wisdom? This is a most disgraceful state of affairs and I do not see how we can build any sort of a democratic State on this foundation."

The Father of the Nation, Mr Kamath reminded the House, was not in favour of a strong Centre at all. He had wanted decentralization. Even when the British Empire was involved in a life-and-death struggle, the British Government did not suspend the right of the people of this country to move the courts for writs of habeas corpus. The Talpade Case illustrated that.

Two Amendments Suggested

Mr Kamath commended to the House two amendments. One of them would vest the power of suspension in Parliament alone. Alternatively, the President might be authorized to suspend the rights but any such order would have to be laid before Parliament within 15 days and would cease to operate at the expiration of seven days from the time it was so laid before Parliament unless Parliament approved of the suspension. Even under this provision, the right to move courts for habeas corpus could be suspended by Parliament alone.

Violation Of Rights

Prof. K. T. Shah moved an amendment proposing that the right to move the Supreme Court for the enforcement of constitutional rights should not be suspended during emergencies and that in the event of any cause of action arising in respect of any violation of the fundamental rights against any person or authority, Parliament should enact an indemnity legislation in that behalf to indemnify the persons concerned.

Prof. Shibbanlal Saksena, in an amendment, suggested that the House of People should have power to

country was paramount and must be protected by all means. He said: "This provision is absolutely necessary. It will be the life of the Constitution. Far from killing democracy, it will save democracy from danger and extinction."

Mr Krishna Chandra Sharma, opposing the article, said if any rights were provided for the individual, then remedies for the enforcement of such rights should also be there. He said that even during the war, the fundamental right of approaching the High Courts had never been taken away. "If a foreign Power dominating India could fight a war for its own safety and still afford to give certain fundamental rights to the people, I do not envisage that any emergency could ever arise in this land in which there would be a necessity for taking away these rights."

Ambedkar's Reply

Dr Ambedkar, replying to the debate, said that he was not at all surprised at the strong sentiments expressed by some of the speakers. "The provisions contained in the clause deal with vital matters concerning the rights of the people. It is, therefore, proper that we ought to approach a subject of this sort not only with great caution but also, I am prepared to say, with great emotion, because we have passed certain fundamental rights already and we ought to be very careful as to the ways and manners we adopt in curtailing or suspending them. Therefore, my friends who have spoken against that article will, I hope, understand that I am in no sense an opponent of what they have said. In fact, I respect their sentiments very much. All the same, I am sorry to say that I do not find it possible to accept either any of the amendments which they have moved or the suggestions that they have made. I remain quite unconvinced and, at the same time, I want to add that I am no less fond of the fundamental rights than they are.

"The first question is whether in an emergency there should be suspension of the fundamental rights or there should be no suspension at all, in other words, whether our fundamental rights should be absolute, never to be varied, never to be suspended, never to be abrogated, or whether our fundamental rights must be made subject to certain emergencies. I think I am right in saying that a large majority of the House realizes the necessity of suspending these rights during an emergency. The only question is about the ways and means of doing it. The real question that we have to consider then is whether the power to suspend these fundamental rights should be vested absolutely in the President or whether they should be left to be determined by Parliament.

American Constitution

"Having regard to what is being done in other countries—and I am sure everybody in this House will agree that we must draw upon their experience and the provisions contained in the constitutions of other countries—the position is this: Under English law it is not open to the executive to suspend the writ of habeas corpus. The position of the U.S.A. is different. The position as I find it there is this: While Congress has power to deal with what are called constitutional guarantees, including the suspension of the writ of habeas corpus, the President is not altogether left without any power to deal with the matter. I think I am right in saying that while the power is left with Congress, the President is also vested with what might be called an *ad interim* power of suspension."

Some of the members questioned this statement by shaking their heads. Dr Ambedkar referred them to one standard authority while Pandit Kunzru referred Dr Ambedkar to another weighty authority. Dr Ambedkar said: "There are a hundred books on the American constitution. I am certainly familiar with 50."

Pandit Kunzru said that according to the best legal opinion the right to suspend the privilege of the writ of habeas corpus was vested in Congress and the President might exercise it only as Commander-in-Chief of the Armed Forces.

Dr Ambedkar said: "Whatever may be the basis of the power, my submission is that in the U.S.A., while Congress has the power, the Presi- executive head of

the State has an *ad interim* power to suspend it. In framing our constitution, we have more or less followed the American precedent. By the amendment which we have made, Parliament has been now vested with power to deal with this matter. We also propose to give the President an *ad interim* power to take such action as he thinks is necessary in the matter of suspension of the constitutional guarantees. Therefore, comparing the draft article with the position as you find it in the U.S.A., there is certainly not a very great difference between the two Here also, the President does not mean the President in his personal capacity. We have a further safeguard which the American constitution does not have, namely, that the President will be guided by the advice of our executive and our executive shall be subject to the authority of Parliament.

"Therefore, so far as the question of vesting of the power to suspend any of these guarantees is concerned, my submission is that ours is not altogether an arbitrary or a novel proposal which is made without either reference to any precedent in any other country or in a wanton manner without caring what happens to the fundamental rights."

Dr Ambedkar explained that what Pandit Bhargava sought to achieve by his amendment was already there. Pandit Bhargava wanted that any action taken by the State under the authority conferred upon it by the emergency provision to suspend the fundamental rights should automatically cease with the ceasing of the proclamation. It was already provided that not only would any such law vanish, but anything done under it would also cease to be validly done. Anything which became inconsistent with fundamental rights would automatically cease.

Another amendment sought to ensure that any order passed under this article would be ratified by Parliament. The draft article as proposed by the Drafting Committee provided that the ratification might be presumed unless Parliament by positive action cancelled the President's order.

"We have provided," said Dr Ambedkar, "that the proclamation shall be placed before Parliament. Obviously, if Parliament is called and the proclamation is placed before it, I think that it will be a very stupid lot of people coming into Parliament if they do not propose to take any positive action. Such a Parliament would be unnecessary, not wanted. Once Parliament is seized of the matter, is it not proper that it may be left to Parliament and that its silence may be presumed to give consent to its continuance?"

Mr Gupta had moved an amendment under which it would be necessary for the proclamation to be placed before Parliament within two months. Pandit Bhargava had suggested one month. Dr Ambedkar's original proposition was "as soon as possible."

"I do not know," said Dr Ambedkar, "whether anybody wants to make this a matter of conscience, and if this thing was not carried, he would go on a fast unto death. This is not a matter of conscience with me. I think that the provision contained in the draft I have moved is the best one in the circumstances."

All amendments were either withdrawn or rejected as Dr Ambedkar's proposition was declared carried amidst a chorus of "ayes." Mr Kamath stood up and declared dramatically; "This is a day of shame and sorrow. May God help the Indian people."

The House then adjourned for the day.—P.T.I.

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

SECURITY : CONFIDENTIAL PRIORITY: AIR POUCH

TO : Department of State

FROM : New Delhi No. 1063 December 5, 1949 2 Enclosures

REF :

SUBJECT : ADDRESS BY PRIME MINISTER NEHRU AT OPENING OF PARLIAMENTARY SESSION

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At the opening on November 28 of the current legislative session of the Assembly, Prime Minister Nehru made a 45 minute statement in which he reviewed a number of current problems, most particularly external affairs. The Hindustan Times account of Pandit Nehru's statement as well as its report of replies by Ministers to various questions put to the Government is enclosed.

A number of the subjects covered in the enclosures have been reported separately as listed hereunder:

Emb. Tel 1477 Nov. 30, Nehru's American tour and summary his statement to Parliament.

Emb. Tel 1472 Nov. 29, General Delvoie UNCIP military adviser.

Emb. Tel 1478 Nov. 30, Indian attitude re recognition Communist China.

Despatch No. 1036 Dec. 1, Nepal

Despatch No. 1051 Dec. 1, Bhutan and Sikkim

Despatch No. 1046 Dec. 1, Criticism of Indian Minister to Vatican.

Other subjects to which the Prime Minister devoted a good deal of attention may be noted from the subheadings of the enclosure and included the Hindu Code Bill, the food problem, other economic problems, Kashmir and other disputes with Pakistan and the forthcoming conference of Commonwealth Foreign Ministers at Colombo.

Taken as a whole the Prime Minister's statement contained little that was not repetition of previous public statements by himself and other Indian spokesmen. The fact, however, that Pandit Nehru had for the first time made a general statement of this kind at the first sitting of a session of Parliament attracted favorable comment from the press as a good precedent. For the most part he spoke in rather measured language, even on such subjects as Kashmir, and in some contrast to his extemporaneous and rather listless speeches of November 25 and 27 at Roorkee and Delhi (Despatch No. 1048 Dec. 1).

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With reference to his American visit, the Prime Minister expressed satisfaction stating that he believed that he had accomplished his purpose of creating a friendly impression and of creating an atmosphere of good will. He made clear that he had not gone to America "for deals, for bargains or for intrigues" and avoided any expression of opinion as to the material benefits for India which might be anticipated from his visit. Also absent was any reference to the impression which the United States had made upon him and any suggestion that the position of the United States and its policies in world affairs would influence Indian thinking to a greater degree than heretofore. However, in an early portion of his statement he summed up his impression of Europe and America by stating that he did not think there was any chance of any great war in the near future. He expressed similar optimism with respect to Asia.

On the world situation in general, Nehru appeared to be speaking from the viewpoint which he has long held, namely, that "the most important factor today in the world is not what is happening in Europe, important as it may be, but what is happening in Asia." By this he probably meant not the advance of international Communism in Southeast Asia -- which he did not refer to at all -- but rather what he has termed the agrarian revolution in progress in large areas of Asia as well as the struggle of Asian peoples for freedom and racial equality.

It will be noted that in this statement the Prime Minister referred to the policy of avoiding foreign entanglements which the United States adopted after winning its independence and expressed the rather misleading view that because of this policy Americans easily understood India's present day policy of avoiding involvement with European alignments but of seeking to contribute to world peace. Curiously enough the Prime Minister on this occasion omitted use of the term "power blocs" in reference to the world situation but there was no apparent modification of his established views on foreign policy.

In reference to Indonesia, the Prime Minister expressed great satisfaction on the progress of the Republic towards freedom and then said that during the past two or three years Indonesia and India had come very close to each other. He said "the measure of mutual understanding, the friendship that has arisen between us has been far greater than even this House realizes. It has been a very great pleasure to me to deal on an official basis and sometimes on even a personal basis with the leaders of the Indonesian Republic." The Embassy believes that the Prime Minister's statement of the close relations between Indonesia and India is largely true. India probably has exercised a moderating influence over the Indonesian leaders in recent months and, on the basis of the evidence available in New Delhi, Indian aspiration for the creation of a "third force" in world affairs has attracted favorable notice on the part of Indonesian leaders. (Embassy's despatch No. 673 Aug 6).

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In contrast to the Prime Minister's rather full reference to the Indonesian question, there was a surprising absence of references to Tibet, Burma, Malaya and Indo-China. In one sense a certain satisfaction may be derived from his silence on these subjects. Recently in the presence of an Embassy officer, Mr. Walter Lippmann asked the United Kingdom Deputy High Commissioner with particular reference to Southeast Asia what the United Kingdom really would like to have India do. Mr. Roberts' reply was to the effect that the most which one could probably reasonably expect from India at present was "to keep from rocking the boat." Accordingly, it might be said in reference to this particular public statement by Pandit Nehru that he refrained from rocking the boat.

For the Ambassador

Howard Donovan

Howard Donovan
Counselor of Embassy

Enclosures: 2 Encl. - 5 of each

10 - 12 copies Hindustan Times, November 29, 1949

CC: Bombay, Calcutta, Madras

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Enclosure No. 1 to Despatch No. 1053
dated December 5, 1949, from,
American Embassy, New Delhi, India.

THE HINDUSTAN TIMES, TUESDAY, NOVEMBER 29, 1949

SETTLEMENT OF INDO-PAKISTAN ISSUES

'BY OURSELVES'

Nehru Reiterates Stand On Kashmir

The Prime Minister, Pandit Nehru, in a statement in Parliament yesterday made the passage of the Hindu Code Bill an issue of confidence, an issue on which his Government would "stand or fall."

At the same time, he suggested to the House that the Bill might be taken up in an accommodating way so that it might be passed by general consent. In the present session, the first stage of the second reading might be passed and then before the next stage of detailed consideration came up, formally or informally or in both ways, the different viewpoints might be represented in a committee which might see how this general consent could be arrived at, even though it might lead to certain alterations or variations in the Bill.

The Prime Minister announced that a preliminary conference which would consider how the proposed round table conference on the question of Indians in South Africa should proceed would be held at Cape Town on February 6.

He added that he presumed that the conference would be attended by representatives of Pakistan besides those of India and South Africa.

U.S. VISIT

Pandit Nehru expressed his "complete satisfaction" with the result of his visit to the U.S.A. and Canada. He did not go to the U.S.A. for deals, for bargains or for intrigues, he said. "I did go there to create a friendly impression, if I may say so, and a friendly interest in our problems and generally to create an atmosphere of goodwill between the two countries. I believe I succeeded in doing that and I believe that responsible people in the United States thoroughly appreciated the frank way in which I explained our position in world affairs."

He regretted that Indo-Pakistan relations continued to be strained in spite of "all the efforts that we have made to improve them." The Finance Minister of India had repeatedly suggested to the Pakistan Government that the whole matter regarding jute purchases from Pakistan should be reviewed at a conference of the two Governments. But so far no conference had been arranged.

As regards evacuee property, the only right way to settle the question was to come to a settlement "ourselves" but if there was no settlement, it might be considered by experts on both sides. If there could be no decision by agreement, then a reference is guilty of it." The Food Minister, said Pandit Nehru, would deal with this situation in a statement before the House.

Pandit Nehru told the House that there was no question of any particular deals with the U.S.A., either on wheat or any other matter. India would buy wheat or anything else in the best market on the most favourable terms. If she could get it on very special terms, she would accept it. It was entirely a business deal. Mr Deshmukh would soon be in Delhi to report to the Government on the result of his wheat talks in the U.S.A.

Reverting to the economic issue, Pandit Nehru said that one of the main problems before the country was the extremely low level of productivity. It was essential to raise it.

Referring to Indo-Pakistan relations, he regretted that these relations continued to be strained "and with all the efforts that we have made to improve them, we have not succeeded in doing so in any large measure. Recently, of course, as a result of devaluation other points of strain and conflict have arisen.

"Pakistan has accused us of deliberately trying to put pressure upon them to affect their economy and to force them to change their devaluation policy. This charge has been made more especially in regard to the jute situation. The facts are quite simple. The price of jute rose so much that those who were buying it in India could not afford to buy it. We do not wish to coerce anybody and we do not wish to be coerced by anybody. They can go their way but it is quite impossible for us to accept prices we cannot afford. Our Finance Minister has repeatedly approached the Pakistan Government and suggested to them that the whole matter should be reviewed and talks should take place but thus far no conference has been arranged.

"There are other matters in regard to which there has been a continuing dispute with Pakistan. One very important matter is evacuee property. As far as I can see, the only right way to settle the evacuee property question, apart from, of course, our coming to a settlement ourselves, is to have a discussion of it by experts on both sides and if there is no decision by agreement still, then a reference should be made to some high judicial authority about the matters not agreed to.

"The only other way that seems to me is to carry on this dispute, shouting at each other. Our proposal has been that these matters, whether it is evacuee property or canal water, should be examined technically by experts on both sides and then the area of dispute, if it remains, should be limited for consideration in some other way."

Pledge To Kashmir

The question of Kashmir, Pandit Nehru said, was expected to come up

sideration of the Bill, but is meant for absolute delay, that is improper.

Pandit Maitra: It does not arise.

Pandit Nehru: The Hon'ble Member is needlessly objecting to what I say. I am laying down a principle and I would like him or any other member to object to that principle. I am not referring to any particular thing and I do say that if this principle is not followed, it does not lead to the credit of the House being enhanced."

Mr H. V. Kamath: Is it not for the Speaker to regulate the proceedings of the House?

The Speaker, Mr G. V. Mavlankar's reply was drowned in laughter.

Constructive Approach

Proceeding, Pandit Nehru said that one might say that there were at least two sets of opinion, one in favour of the Hindu Code and the other opposed to it or to some parts of it. "It is clear also that one must not deal with a measure of this kind by trying to sweep away one opinion or the other in a hurry. Measures affecting large numbers of human beings, their social customs, etc., have to be given the fullest consideration. Our proceeding with this Hindu Code Bill merely in a spirit of sheer opposition to each other will naturally lead to certain decisions which will not be very helpful either now or later.

QUESTION OF VIEWS

"As soon as the Bill comes up for detailed consideration or a little before it, it would be desirable for the representatives of different viewpoints to approach this matter in a constructive way to see how we can expedite the passage of this Bill with what might be considered a large measure of consent."

Pandit Maitra suggested that there could be no constructive approach to a "destructive measure."

Pandit Nehru retorted: The Hon'ble Member is one of those persons who hold apparently rather strong opinions on this subject. Even though I express myself in milder language, I hold even a stronger opinion than he does.

Mr Tyagi: That is the real trouble.

pursued a policy of keeping away from European alignments and said: "It was not difficult for an American brought up in that tradition to understand that this new republic of India should not align itself with any particular country or policy but should keep on friendly terms with all countries and decide each question on its merits. We have a certain approach conditioned by geographical facts, our historical background, the background of our struggle for freedom during the last thirty years and so on.

"I think personally that the most important factor today in the world is not what is happening in Europe, important as it may be, but what is happening in Asia. So our whole perspective necessarily is different from that of a person possibly in Europe or America. Nevertheless, it is necessary for us to seek the largest measure of co-operation and not live in isolation.

No 'Barren' Neutrality

"When we say that we shall try to follow our own policy, it does not mean a policy of isolation or a barren neutrality or passivity. We think in active terms of how we can help, in such measure as we can, in the maintenance of world peace. We can, occasionally at least, make a difference. I hope that this country will make that difference when ever it has the chance, and that difference will be in favour of peace."

Congratulating the leaders of the Indonesian Republic on their progress towards freedom, Pandit Nehru paid a tribute to the President of the Republic, the Prime Minister and the others for the part they had played. It had been a part not only of remarkable courage, said Pandit Nehru, but also of remarkable wisdom and, occasionally, restraint. During these two or three years, Indonesia and India had come very close to each other. "The measure of mutual understanding the friendship that has arisen between us," he said, "has been far greater than even this House realizes. It has been a very great pleasure to me to deal on an official basis, and sometimes even on a personal basis, with the leaders of the Indonesian Republic. Some of them, specially the President, know more about the culture and history of India and even the history of our recent struggle for freedom, than perhaps many of our politicians in India itself do." (Cheers).

RACIALISM IN AFRICA

Turning to Africa, Pandit Nehru said: "Asia is dynamic and turbulent today. Africa also is on the eve of great changes. It is a matter of great distress to us that some parties in Africa should add to the racial problem there instead of trying to solve it. Nothing can be so bad and so dangerous to the future as a big eruption in Africa on a racial basis.

"So far as we are concerned, it has been our policy, and it has been the Congress policy long before we came into the Government, that Indians in Africa should develop close contacts with and try to serve the people of

gested to the Pakistan Government that the whole matter regarding jute purchases from Pakistan should be reviewed at a conference of the two Governments. But so far no conference had been arranged.

As regards evacuee property, the only right way to settle the question was to come to a settlement "ourselves" but if there was no settlement, it might be considered by experts on both sides. If there could be no decision by agreement, then a reference might be made to some high judicial authority about matters not agreed to. Whether it was evacuee property or canal water, it should be technically examined by experts on both sides and then the area of the dispute should be limited and considered in some other way. The Government of India wanted the Kashmir problem, in fact all problems, settled by peaceful methods without recourse to warfare. Nevertheless, if there was aggression "one has to meet that."

Kashmir Situation

"We propose to stay where we are in Kashmir," said Pandit Nehru, "and to protect Kashmir in accordance with our pledged word to give every help to the people of Kashmir and at the same time seek ways of solving the problem by peaceful methods." India would continue to help the United Nations to find a peaceful settlement.

Pandit Nehru thought that there was more chance now of avoiding another world struggle than there was during the past year or two "and India and other countries, if they try hard enough, can perhaps help still further in avoiding war."

As regards Indonesia, Pandit Nehru said that one might say with a certain measure of certainty that a very big step forward had been taken towards Indonesia becoming a completely free country. The House cheered him as he congratulated the "great leaders of the Indonesian Republic."

He expressed "great distress" over the fact that some parties in Africa added to the racial problem instead of trying to solve it. He was happy to say that India's relations with the African races in East Africa had progressively improved.

FOOD IMPORTS

The Prime Minister was cheered as he expressed his confidence that it would be possible to stop food imports after 1951. On the whole he was satisfied with the progress made on the food front, he added.

The Prime Minister paid a tribute to the late Brig. Atal, who died on Saturday.

Pandit Nehru began his 45-minute statement in a packed House by referring to the legislative business of the session. Although a great deal of work had to be done, he said, the measures were not complicated ones and hence the House need not take a long time to deal with them.

Pandit Lakshmi Kant Maitra (Bengal): Except the Hindu Code.

Pandit Nehru: I was coming specifically to that, as I am particularly interested in it and I think it need not take much time for getting through such a simple and essential measure (Cheers).

During the budget session, said Pandit Nehru, the House would no doubt deal with very important matters. The Hindu Code Bill was not, of course, meant to be passed in this session.

'Marathon Performances'

Pandit Nehru referred to "certain marathon performances" on the first stage of the second reading of the Hindu Code Bill in the last session and said: "They no doubt were permitted by law but I would beg of this House to consider that they did not add to the credit of the House."

Pandit Maitra: How does the Prime Minister say that? It is a reflection on the House.

Pandit Nehru: What I mean is this. Any important measure in this House, which gives rise to a difference of opinion and on which there is considerable strength of opinion, must be considered fully but when a tactic is adopted which is not related to consideration of the measure but is intended to prevent consideration of the measure, then it is a matter of grave consideration. I am not referring to any particular measure but I am referring to the fact that the House is to carry on this dispute, shouting at each other. Our proposal has been that these matters, whether it is evacuee property or canal water, should be examined technically by experts on both sides and then the area of dispute, if it remains, should be limited for consideration in some other way."

Pledge To Kashmir

The question of Kashmir, Pandit Nehru said, was expected to come up at Lake Success either in December or in January. Since last January, a 'cease fire' had subsisted in Kashmir. There had been a number of incidents but generally speaking there had been no resumption of operations.

"We hope, of course," said Pandit Nehru, "that there will be no such resumption. We have repeatedly made it clear that we want this problem of Kashmir, as all problems, settled by peaceful methods without recurrence of warfare because we are convinced that warfare leads to disastrous consequences and should be avoided as far as possible. Nevertheless it cannot be avoided if another party starts it. If there is aggression, one has to meet it. That is why originally we had to go to Kashmir and our armed forces have stayed on.

"We have given assurances to the people of Kashmir that we will not withdraw our forces from there so long as there is any danger of any aggression from outside. We propose to stay where we are and to protect Kashmir in accordance with our pledged word to give every help to the people of Kashmir and at the same time seek ways of solving the problem by peaceful methods.

"In Pakistan, I regret to say, passions are continually roused on religious grounds and there is continual talk of *jehad* etc., and it is even said by responsible leaders that there is bound to be war and they will have war. All this talk is perhaps partly due to a feeling of frustration on the other side. I am sorry for that but so far as we are concerned, as a Government, we do not propose either to be moved to anger or hysteria or to any weakness by any threats on the other side. We shall proceed on our even course, always trying for a peaceful settlement through the United Nations and trying to help the United Nations to find such a settlement and at the same time not surrendering to anything that we consider wrong. We shall have to send a delegation to Lake Success when this matter is considered by the Security Council."

For some time past, said Pandit Nehru, the Government of India had been in communication with the Union of South Africa about the holding of a conference to consider questions relating to Indians in South Africa, who were really South African nationals, as recommended by the United Nations. All the parties concerned were to be represented at that conference. There had been a great deal of this correspondence and ultimately the South African Government suggested that before holding the conference there should be a preliminary conference to consider how the conference should proceed. India agreed to that also. Again there had been delays but now finally February 6 had been fixed for this preliminary conference, which would take place at Cape Town.

Colombo Conference

Regarding the conference of Commonwealth Foreign Ministers at Colombo on January 9, Pandit Nehru said: "This conference was in fact fixed a little over a year ago. I mention this fact because people think that this meeting has been suddenly called in view of the emergency in South-East Asia or in China or elsewhere. In fact it is a normal conference that was decided to be held over a year ago. Of course, it will consider the general situation as it is today. The question of recognition of China is not on the agenda of the conference. We discuss matters but each Government deals with such questions independently as it chooses."—P.T.I.

Referring to his visit to the United States, Pandit Nehru recalled how the founders of the U.S.A. themselves

measure of consent."

Pandit Maitra suggested that there could be no constructive approach to a "destructive measure."

Pandit Nehru retorted: The Hon'ble Member is one of those persons who hold apparently rather strong opinions on this subject. Even though I express myself in milder language, I hold even a stronger opinion than he does.

Mr Tyagi: That is the real trouble.

Pandit Nehru: And what is more, the Government is committed to this Bill and it is going through with it (Cheers).

"On behalf of Government," said Pandit Nehru, "I offer a via media. I offer an accommodating approach. If it is accepted, we shall welcome it. If not, we shall proceed with it as it is."

THE ALTERNATIVES

Pandit Maitra wanted to know what exactly the Prime Minister meant by saying that the Government would proceed with the Bill.

Pandit Nehru: "It is for the House to accept or reject a measure which is put forward on behalf of the Government. The Government cannot enforce it. But if the Government sponsors an important measure and the House rejects it, the House rejects that Government and that Government goes and another Government comes in its place. Let it be clearly understood that this is one of the measures to which the Government attaches importance and on which it will stand or fall."

Plea For Consent

Proceeding, Pandit Nehru suggested to the House that the Hindu Code might be taken up in an accommodating way so that it might be passed by general consent. "If hon'ble members do not like that course, then automatically the other course comes into operation."

In the present session, Pandit Nehru went on, the first stage of the second reading might be passed and then before the next stage of detailed consideration came up, formally or informally or in both ways, the different viewpoints might be represented in a committee "and we might see how this general consent can be arrived at in regard to this Bill, even though it might lead to certain alterations or variations in it."

The economic issue, said Pandit Nehru, would be dealt with by the Finance Minister at a later stage by way of a statement. No doubt, the House itself would consider it in various forms in this session and much more fully in the next session. It was of the most vital importance that "we should frame policies which will enable us to get over our economic difficulties as rapidly as possible."

IMPROVING FOOD SITUATION

The greatest stress had been laid by the Government on the question of food. The Government had decided to give food, priority number one. "On the whole, satisfactory progress has been reported on the food front. Of course, things are not going well everywhere. There have been naturally disasters in some places. In Andhra, the cyclone has done a lot of damage not only to human beings but to our food expectations from that area.

"But still, generally speaking, I would say on the authority of the Commissioner for Food production that we are making good progress and I have no doubt in my mind that after 1951 no food will be imported (cheers). In fact, this period is likely to be shortened, even though it might cause inconvenience. Even now we are on the whole lessening our import of food, specially rice. Gradually we are trying to put an end to rice imports."

Referring to the sugar shortage, Pandit Nehru said: "What is very disturbing is not the fact that some of us have got sugar and some of us have not been able to get sugar but the fact that the sugar position should deteriorate so rapidly and the deterioration could not be checked quickly. That is a fact which is very important and we should find out who is particularly responsible for it or

great changes. It is a matter of great distress to us that some parties in Africa should add to the racial problem there instead of trying to solve it. Nothing can be so bad and so dangerous to the future as a big eruption in Africa on a racial basis.

"So far as we are concerned, it has been our policy, and it has been the Congress policy long before we came into the Government, that Indians in Africa should develop close contacts with and try to serve the people of Africa. We have always made it clear that we want no privileges and we have no interests in Africa which come in the way of the indigenous inhabitants of Africa. At the present moment, apart from the South African problem which is a different one, we have to deal chiefly with African races in East Africa. There are considerable numbers of Indians there in business or in the professions. I am happy to say that our relations there have progressively improved and our representative there has done extraordinarily good work in this behalf. One venture of ours, of giving some scholarships to African students coming to India, was greatly appreciated there and has helped in bringing those Africans nearer to India."

Economy & Its Effect

As regards economy in the External Affairs Ministry, Pandit Nehru said that India had been gradually forced to develop foreign contacts by virtue of the fact that India was independent and was growing in importance in international affairs. Other countries sought contacts with India and sent representatives here who were welcome. Once they did that, it was very difficult for representation to be a unilateral affair. His Ministry was no doubt trying hard enough to save money here and there but he would like to say from personal experience that most of the people in the Indian Foreign Service abroad were living in an exceedingly difficult financial condition. Some of them said in fact that they could not afford a new pair of shoes.

While the staff in various places were being reduced for reasons of economy, "we cannot possibly allow our people to remain there in a shattered condition where they cannot afford to live normal, decent life. Incidentally, he mentioned that Indianization of all categories of staff, like superintendents, clerks, etc., meant doubling or trebling of expenditure. Efficiency also suffered greatly not because Indians were not efficient but on account of the language and other difficulties."

Mr Mohanlal Gautam: Are we sending chaprasis and chauffeurs?

Pandit Nehru: As a matter of fact we have sent chaprasis and chauffeurs from India and they got on better than clerks and others (Laughter).

Pandit Nehru defended the purchase of buildings in London, New York and Paris on the ground that the rent which the Government would otherwise have had to pay would have been much more costly in the long run. The purchase of the residence in London, particularly, was a very good bargain. These purchases were actually made last year. Today, of course, the position was different on account of the financial situation.

Paying a tribute to the late Brig. Atal, Pandit Nehru said: "Perhaps one of the most spectacular actions of our campaign in Kashmir was the action just about a year ago when our troops forced the Zoji La over 11,000 feet high. It was an extraordinary feat worthy of being written in military manuals. Brig. Atal was in command of our forces in that action and the death of a very gallant and young soldier of so much promise just when he was on leave for a day or two is very sad to us."—P.T.I.

Enclosure No. 2 to Despatch No. 1053
dated December 5, 1949, from,
American Embassy, New Delhi, India.

HINDUSTAN TIMES November 29, 1949.

P.M. EXPLAINS DELVOIE AFFAIR—TERMS FOR FOREIGN CAPITAL—RELATIONS WITH RED CHINA—EVACUEE PROPERTY EXCHANGE

Pandit Nehru replied in Parliament yesterday in answer to Mr R. K. Sidhwa that the removal of certain boxes from the Lloyds Bank, Srinagar, by Lt.-Gen. Delvoie, former Chief Military Adviser to the U.N. Kashmir Commission, "may have been an error on the part of Gen. Delvoie or may have been just an act of courtesy on his part or it may have been something else."

"Anyhow, the fact that Gen. Delvoie's term has expired and he has gone back to Belgium puts an end to the matter so far as we are concerned."

There was confusion in the Press gallery as the House met because of inadequate loudspeaker arrangements in the gallery and non-distribution of Ministers' prepared answers in advance to the Press.

The Prime Minister also stated in answer to Mr Sidhwa that how far the Lloyds Bank was in error would, he believed, be inquired into by the Kashmir Government. He did not know whether any jewellery was involved.

HELP TO NEPAL

Replying to Mr Manmohan Das, Pandit Nehru said that the Government of India had promised to give the Nepal Government whatever support was possible in its application for membership of the U.N. He added that it was desirable to have a close co-ordination between Nepal and India in this matter.

Mr Das: Has there been any consultation between the Government of India and the Nepal Government in regard to the recognition of Communist China?

Pandit Nehru: No, sir. The Nepal Government's external relations are limited to two or three countries, including the U.K. and the U.S.A. It hardly deals with the rest of the world.

Mr Brajeshwar Prasad: Does any co-ordination exist between the two Governments in respect of foreign affairs?

Pandit Nehru: The Nepal Government does not have much of a foreign policy.

NO NEW SHIPYARD

Dr S. P. Mookerjee, Minister of Industry and Supply, said in reply to Mr Sidhwa that, in view of the financial difficulties now, the Government of India would not have any new shipyard under Government control or management.

He added it had been decided that it would not be possible for the Government to acquire the Scindia shipbuilding yards for the present but the Government were considering how it might be possible to keep the work of the yards going. That matter was now under discussion.

SALT PRODUCTION

Replying to Mr Jai Narain Vyas [illegible], Dr Mookerjee said that is borne in mind. There is no article which exclusively comes from the dollar areas. If we produce more in this country, naturally the burden of imports from the hard currency area is reduced.

UNFORTUNATE STATEMENT

The Prime Minister said that the Government did not approve of the statement made by India's Minister to Vatican on the occasion of presenting his credentials. It was an unfortunate statement and the Government informed him so.

The Prime Minister was replying to a question by Mr Kamath whether India's Minister to the Vatican stated that "it did not much matter if all the copies of the Bhagvad Gita were burnt, so long as we have the sermon on the mount."

The Prime Minister added: "It is clear, however, that the Minister meant no disrespect to the Gita but was emphasizing that the essence of all religions was alike and truth was not the monopoly of any one religion.

Mr Kamath: Are the persons who decry the Gita or the Hindu religion or as a matter of fact any other religion considered fit to represent India abroad?

Pandit Nehru: He has not decried the Hindu religion. It was clothed in an unfortunate language.

Mr Kamath: Is it a fact that inspite of having committed this, his powers and jurisdiction had been enlarged recently?

Pandit Nehru: The Minister in Switzerland, who represents us has done extraordinarily good work (cheers).

RELATIONS WITH BHUTAN

The Prime Minister in reply to a question defined India's relationship with Bhutan and Sikkim "with regard to their integration with the Indian Dominion."

Pandit Nehru said that Sikkim had long been treated as an Indian State but with a special position in view of its geographical situation. Political relations between India and Sikkim dated from about 1817 and, until the transfer of power in August, 1947, were regulated by a treaty signed in 1861. Since the transfer of power, these relations had been governed by a standstill agreement which, broadly speaking kept the old arrangements alive until a new treaty had been negotiated. Future constitutional relations between India and Sikkim had not yet been settled and were under consideration.

NEW TREATY

As regards Bhutan, it did not belong to the category of Indian States in the usual sense of the term. Before the conclusion of the new treaty between the Governments of India and Bhutan which was signed at Darjeeling on August 8, 1949, the main ins-

Burma to India from January 1, 1947, to date was about 50,000.

The Indian Embassy in Rangoon looked after the interests of Indians in Burma and gave them such assistance as they required. The Embassy kept in constant touch with the Government of Burma.

MISS JINNAH'S PROPERTY

Mr Mohanlal Saksena, Minister of Rehabilitation, in a written answer to Mr B. N. Munavalli said that the Government of India had received no direct request from Miss Fatima Jinnah for the exchange of her property in India with the properties in Karachi. But certain parties in India desirous of exchanging their property in Pakistan approached the Government of India for allowing an exchange.

The request of the parties who approached the Government was not acceded to as "in view of the present attitude of the Pakistan Government, the Government of India's policy, for the time being, is not to permit individual sales and exchanges."

Dr Keskar said that no representation had been received from Tibet for any sort of assistance, economic or financial.

REFUGEES IN W. BENGAL CAMPS

Mr Mohanlal Saksena said in reply to a question that there were 39,700 displaced persons in camps in West Bengal at the end of October, 1949.

He added, according to a recent census more than 13 lakhs of displaced persons from East Pakistan were distributed in Assam, Bihar, Cooch-Behar, Manipur, Tripura and West Bengal.

DOLLAR EARNING

Mr K. C. Neogy, Minister for Commerce, placed on the table the following statement showing the amount of dollars (expressed in rupee value) earned by the export of Indian commodities for the period April-September, 1949, to dollar areas: Rs. in lakhs, Jute manufactures, 1,795; Spices, 166; Mica, 126, Lac, 110; Manganese ore, 145; Hides and skins raw, 92; Hides and skins tanned, 15; Jute raw, 11; Cotton raw, 38; Cotton waste, 25; Woollen manufacturers, 30; and Others, 381.

In the case of tea, during the period under review, earnings from exports to the U.S.A. amounted to Rs 220 lakhs and to Canada Rs 138 lakhs. Figures for other countries in the dollar area are not at present available.

PROPERTY EXCHANGE

Mr Mohanlal Saksena, disclosed that under the Karachi Agreement only 28 exchanges of properties had taken place up to September 30, 1949.

cial difficulties now, the Government of India would not have any new shipyard under Government control or management.

He added it had been decided that it would not be possible for the Government to acquire the Scindia shipbuilding yards for the present but the Government were considering how it might be possible to keep the work of the yards going. That matter was now under discussion.

SALT PRODUCTION

Replying to Mr Jai Narain Vyas (Rajasthan), Dr Mookerjee said that the Government would like private enterprise to play its proper part in the opening of new salt factories. Apart from small units, the Government would give full encouragement to bigger units.

Dr Mookerjee said replying to Pandit Kunzru that the price of the fertilizers manufactured at Sindri was expected to be about Rs 200 a ton without charging profit compared to Rs 350 paid for imported fertilizers.

FOREIGN CAPITAL

The question of attracting foreign capital and the terms and conditions for such investments were the subject of a question and a series of supplementaries.

Dr Mookerjee told Mr Sidhwa that so far 59 applications had been received from foreign capitalists for starting industries in India after the announcement by the Prime Minister on the investment of foreign capital. Sanction had been accorded already to schemes involving Rs 183 lakhs. The foreign investors mostly belonged to the United Kingdom and the industries included electrical (including radios) iron and steel products *vanaspati*, woollens, general engineering, automobiles, paints and varnishes, printing and finishing, paper and strawboard, leather goods, raw films, non-ferrous metals, fine chemicals, footwear, ivory buttons, and sports goods.

CONDITIONS OF INVESTMENT

The conditions laid down were, the Minister added, (1) majority of Indian capital, (2) Indian management and (3) Indian technicians to be trained by foreign technicians so that the latter may be eventually replaced by the former. The schemes might take three to five years to materialize.

The Minister said the Government received inquiries from individual firms from abroad and the negotiations were conducted with the firms who would be given all possible assistance.

Mr Ajit Prasad Jain: Can we have some details about the negotiations carried on in the U.S.A. by the Prime Minister?

Dr Mookrejee: There have been no negotiations with the U.S.A. as such.

INDEGENOUS INDUSTRIES

Mr Krishnamoorthy Rao: In sanctioning some of these applications, have the Government consulted the Indian industries that may be affected?

Dr Mookerjee: That is one of the considerations kept in mind all the time.

Mr Rao: Is it a fact that some of the applications which have been sanctioned covered industries which are already functioning and it would obviously affect them adversely?

Dr Mookerjee: No Sir, the Government would see that those industries which were already functioning in India were not adversely affected.

Mr Ananthasayanam Ayyangar: How many industries for which sanction had been accorded are expected to produce goods which are imported from the hard currency areas and will special attention be paid to relieve the burden of imports from the U.S.A.?

Dr Mookerjee: In regard to some of the industries in respect of which sanction had been given, the import from hard currency may not be affected. It is difficult to indicate how far the dollar imports would be affected. Some of the consumer goods will certainly be manufactured that had necessarily to come from the dollar countries. It is difficult to concentrate on that aspect only. That aspect a standstill agreement which, broadly speaking kept the old arrangements alive until a new treaty had been negotiated. Future constitutional relations between India and Sikkim had not yet been settled and were under consideration.

NEW TREATY

As regards Bhutan, it did not belong to the category of Indian States in the usual sense of the term. Before the conclusion of the new treaty between the Governments of India and Bhutan which was signed at Darjeeling on August 8, 1949, the main instruments governing India's relations with Bhutan were the Sinchula Treaty of 1865 as amended by the treaty of 1910, between the former Government of India and the Government of Bhutan. Under the new treaty, the Government of Bhutan continued to be guided by the Government of India in regard to its external relations and the Government of India did not interfere in the internal administration of Bhutan.

RELATIONS WITH RED CHINA

Mr Kamath raised the question of the recognition of Communist China. Dr B. V. Keskar, Deputy Minister, said that a communication from the new Government had been received through India's Ambassador in Nanking acquainting India with the establishment of the Central People's Government of the Republic of China, stating that the new Government was the only legal Government of China and expressing the desire of the new Government to set up diplomatic relations with all Governments which would abide by the principles of equality, mutual interest and mutual respect for territorial and sovereign rights.

The Government of India, he said, had informed the Communist Chinese Government that they were studying the situation that had arisen and in this connection had summoned their Ambassador in Nanking for consultations. The Government of India had expressed the hope that informal contacts would meanwhile continue to be maintained between the newly-formed Government and Indian consular representatives.

Mr Brajeshwar Prasad: By what time the Government of India is likely to come to a final decision in recognizing new China?

Dr Keskar: Very soon, I hope.

Mr Ajit Prasad Jain: Do our relations with China depend upon the relations with the United Kingdom and the U.S.A.?

Pandit Nehru: No Sir. It will be decided by us ourselves. The Government of India like all other Governments are in frequent consultation with each others about what is happening in various parts of the world.

Mr Ajit Prasad Jain: Has the Prime Minister in the course of his visit to the U.S.A. and the U.K. had consultation with the representatives of those countries?

Pandit Nehru: It is somewhat difficult for me to answer this question without going into details. We discussed matters naturally when I went to the U.N., but we had not discussed from the point of view of a particular action to be taken by this country. When people dealing with foreign affairs meet they naturally discuss almost all important matters in the world.

SUPPLIES TO BURMA

India's assistance to Burma for the purpose of establishing peace and order there was the subject of another question. The Prime Minister said that discussions had taken place from time to time between the Burmese Government and Governments of the Commonwealth countries about assisting Burma to enable her to establish law and order in the country. The Government of India had supplied the Burmese Government the limited quantities of stores and equipment for the purpose of payment by that Government. No financial assistance had been given. No guarantees of any nature had been asked for by the Government of Burma nor had any been given.

The estimated Indian population in Burma at the end of 1946 was about 7 lakhs. The net migration from

raw, 11; Cotton raw, 38; Cotton waste, 25; Woollen manufacturers, 30; and Others, 381.

In the case of tea, during the period under review, earnings from exports to the U.S.A. amounted to Rs 220 lakhs and to Canada Rs 138 lakhs. Figures for other countries in the dollar area are not at present available.

PROPERTY EXCHANGE

Mr Mohanlal Saksena, disclosed that under the Karachi Agreement only 28 exchanges of properties had taken place up to September 30, 1949.

Asked why the arrangement contemplated under the Karachi Agreement had failed, the Minister replied: "From the experience of the working of the January agreement, the Government of India have felt that the various conditions laid down for compliance before permission for sale or exchange of properties is given by custodians, have proved a definite bar to the speedy sale and exchange of properties. Apart from this various other difficulties have been put in the way of the working of the agreement by the Government of Pakistan and its officers."

The Minister was asked what steps the Government of India were taking for the successful realization of the property left behind by Indian nationals in Pakistan, He replied: "In view of the experience gained by working the Karachi (January) Agreement, the Government of India are confirmed in their opinion that the only possible solution of the question lies in a settlement at Governmental level, each Dominion assuming responsibility for the evacuee property within its territories, the valuation to be carried out by a joint agency, and subsequent settlement between the two Dominions to be based on this valuation. I still hope that this procedure and solution will be acceptable to Pakistan."

NO. 2683

AMERICAN CONSULATE GENERAL

Bombay, India, April 2, 1946

CONFIDENTIAL

SUBJECT: Exercise of Judicial and Executive Powers by Officials of the Government of India.

1—1038

DIVISION OF
MIDDLE EASTERN AFFAIRS
APR 23 1946
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to enclose the text of a very pointed editorial from the Bombay Sentinel of March 26, 1946 regarding the abuses which arise from the practice in India of combining executive and judicial functions. This practice has long been, and not without reason, a source of bitter complaint among Indians. What it amounts to in actual practice is the power vested in an executive official to hold without trial for an indefinite period, and without reference to the courts, anyone whom he considers suspect under the Defense of India Act.

The judiciary in India has in its decisions frequently criticized very strongly the actions of I.C.S. officials in detaining people without trial. The two cases mentioned in this editorial are typical of many in India. I know nothing of the circumstances surrounding the detention of Messrs. Shah and Sathe but when the Chief Justice of the Bombay Presidency refers to the "casual approach" of Government of India officials in discharging their grave responsibilities, it is obvious that there is something seriously wrong. It is cases of this nature which have contributed so much to the bitter feeling in India against British rule.

Respectfully yours,

Howard Donovan
American Consul General

Enclosure:
Text of Editorial, Bombay Sentinel,
March 26, 1946 (in quintuplicate)

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H.Donovan:fp

Original and hectograph to the Department
Copy to American Mission, New Delhi
American Embassy, London

DCR NE Unit

CONFIDENTIAL

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Enclosure to Despatch no. 2683 dated April 2, 1946 from Howard Donovan, American Consul General, Bombay, India, on subject of "Exercise of Judicial and Executive Powers by Officials of the Government of India."

EDITORIAL
BOMBAY SENTINEL
March 26, 1946

RELEASE THE DETENUS

IN an illuminating judgment, Chief Justice Sir Leonard Stone and Mr. Justice Lokur of the Bombay High Court, in allowing the "habeas corpus" applications of two detenus make pointed reference to the very "casual approach" of Government officials in discharging their grave responsibilities and duties to persons detained without trial.

The applicants Mr. P. K. Shah and Mr. B. L. Sathe, challenging the extension orders served on them by the Bombay Government pointed out that the detaining authority had not considered all the circumstances of the case and that they were illegally detained. Mr. Simms, Home Secretary, Government of Bombay filed an affidavit but he declined to attend the court and submit himself to cross-examination, though ordered to do so.

HOME SECRETARY CRITICISED

This affidavit, the judges described as a "remarkable document" for any one to file, though given an opportunity to attend the court to give "viva voce" evidence. It is more remarkable for its omission than for what it says. as it leaves unchallenged the petitioners' affidavits.

Mr. Simms' affidavits, though relating to two different cases are in identical terms and the two cannot be distinguished except for the numbers at the tops. The learned judges state that in the case of Sathe there is no suggestion in the reasons given that he assisted any underground movement, though it was stated he belonged to an organisation the object of which was to commit acts of sabotage.

In the other case, circumstances were of a different character but the affidavits in both the cases were strangely enough similar.

The judges caustically remark in the course of the judgment that this demonstrated a very casual approach to the grave responsibilities and duties which devolve on every Government servant charged with the wide powers of detention without trial. Unless this tendency is checked, an era of "cyclostyled affidavits" is likely to be ushered in.

It is the duty of the detaining authority to consider all the circumstances of the case when the extension order is renewed.

PERVERSION OF JUSTICE

Their lordships were of the opinion that the authorities had not considered all the circumstances of the cases, for on January 7, 1946, when the orders were extended there was no "successful prosecution" of war for the mass movement to hinder.

Further, by this time various Congress Committees had been legalised and leaders released and these circumstances, according to the judges should have been fully considered by the authorities.

The orders were not made after due care, attention, and consideration. The Court held that as the applicants had successfully proved Government orders to be invalid, it was necessary to release them immediately.

With emphasis, the Judges added that it was impossible to come to the conclusion that the authorities had complied with the objective test of considering all the circumstances of the petitioners' cases.

The judgment throws a flood of light on the irresponsible and callous attitude of Government officials who discharge their duties, involving the life and liberty of the subject in a casual manner.

Even now a number of detenus are languishing in prisons, who for want of facilities cannot move the High Court. Their original detention itself was unjust and inequitable, but their continued imprisonment is against all canons of law and fair-play.

HIGH-HANDEDNESS

Commenting on these two cases Mahatma Gandhi writes in the "Harijan": "There can be no doubt that all persons similarly detained, no matter, in which province, should be immediately discharged without ado." The war is over, India is on the verge of complete independence and there can be no danger at all of the Government established by law being subverted if the detenus are immediately set free.

The Advisers' regime is on its last legs, and the I.C.S. Advisers are not likely to lose much if they immediately release all political prisoners and detenus. But will they do it, for their prestige is involved?

THE FOREIGN SERVICE
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NO.146

AMERICAN CONSULATE GENERAL

Madras 1, India, June 8, 1948.

DIVISION OF SOUTH ASIAN AFFAIRS
JUL 6-1948
Department of State

UNCLASSIFIED

SUBJECT: Appointment of new Chief Justice in Mysore State, India.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C. 25.

SIR:

I have the honor to quote below an announcement which appeared in the Madras (afternoon) Mail for yesterday, June 7.

"NEW CHIEF JUSTICE OF MYSORE

"BANGALORE, June 7: It is officially announced that Mr. Justice G. PARAMASIVAYYA has been appointed Chief Justice of the Mysore High Court in place of Mr. Justice P. Venkataramana Rao Nayudu retired.

"Mr. Justice PARAMASIVAYYA is at present Puisne Judge of the High Court. He joined the Mysore Judicial Department in 1927, and was made a District Judge in 1936. He is 55."

Mr. Justice P. Venkataramana Rao Nayudu is the father of the present Chief Justice of Madras, Mr. Justice Pakala Venkata Rajamannar, whose recent appointment was the subject of this office's despatch No.120 of May 13, 1948.

A confidential biographic data report on Chief Justice G. Paramasivayya will be submitted separately.

Respectfully yours,

Robert P. Chalker
American Consul

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Copy to American Embassy, New Delhi.

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No.206.

AMERICAN CONSULATE GENERAL

Madras, India, July 14, 1948

UNCLASSIFIED

DIVISION OF SOUTH ASIAN AFFAIRS
JUL 31 1948
Department of State

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FACILITIES BRANCH

SUBJECT: Judicial Administration in Pudukottah, Madras Province.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C., 25.

SIR:

I have the honor to report that, according to a news report from the Pudukottah correspondent of the Madras Indian Express published in the daily on July 10, 1948, the Government of Madras has, in consequence of the merger of the former State of Pudukottah in Madras Province, accepted the recommendations of the Madras High Court "that the law of the province be made applicable to Pudukottah with effect from April 1, 1949, that courts be constituted under the Civil Courts Act and Criminal Procedure Code from that date, and that, meanwhile, the existing law and machinery for administration of justice in the area may continue to operate". The Madras High Court, the report continues, has further recommended that second appeals against the decisions of the Bench of the Chief Court be heard this year by a Judge of the Madras High Court instead of by a Special Bench as usual. If this is provided for by a special order, second appeals may be heard by a Judge, nominated by the Chief Justice of Madras, who may sit at Pudukottah or in Madras according to the number of cases available for disposal. This arrangement, it is learnt, will continue for some time after April 1, 1949, until all appeals against the decisions of the Chief Court, Pudukottah, till that date are disposed of.

As regards the facilities for enrolment and practice of several of the advocates, now practising in courts in Pudukottah, to practice in the Madras High Court, the Government of Madras is reported to have stated that "the Judges [of the Madras High Court] are requested to take suitable action in respect of legal

practitioners

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practitioners within the competence of the High Court and the Bar Council, avoiding hardship". In cases where remission or reduction of stamp duty for enrolment as advocates are found necessary, the High Court will, however, need to obtain orders from the government.

The Pudukottah Vakils' [Advocates'] Association is also reported to have suggested that, in regard to the administration of justice, consequent on the merger of Pudukottah with the Indian Union, "Pudukottah should continue to be governed by the laws, usages and procedures now in force and be administered by the existing machinery for at least a period of twelve months".

Respectfully yours,

Robert B. Streeper
American Consul General

Source:

Indian Express, Madras daily, July 10, 1948.

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Original and hectograph to Department
Copy to American Embassy, New Delhi
Copy to American Consulate General, Calcutta
Copy to American Consulate General, Bombay.

R.B.S.

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Enclosure No. 1 to Restricted Despatch No. 844 dated September 26, 1949, from American Embassy, New Delhi, India, entitled: "Abolition of Privy Council Jurisdiction".

STATESMAN September 18, 1949.

ABOLITION OF PRIVY COUNCIL JURISDICTION

BILL PASSED BY CONSTITUENT ASSEMBLY

After two and a half hours' discussion, the Constituent Assembly on Saturday passed the Abolition of Privy Council Jurisdiction Bill which seeks to end India's 175-year-old judicial connexion with Britain's highest tribunal.

Dr Ambedkar, Chairman of the Drafting Committee and Law Minister, said that the Privy Council would have no jurisdiction to entertain any Indian appeal or petition after January 26, 1950, assuming that the new Constitution became operative from that date.

The Bill provides that from October 10, this year, the Federal Court should, as an interim measure, be invested with the same jurisdiction to entertain and dispose of appeals and petitions as the Privy Council has at present. The jurisdiction of the Privy Council to entertain any new appeals and petitions and to dispose of any pending appeals except those set down for hearing during the next sittings of the Judicial Committee, due to begin on October 12, will cease on the same date. All other pending appeals will be transferred to the Federal Court on October 10 next.

Dr Ambedkar mentioned that there were at present 70 civil appeals and 10 criminal appeals pending before the Privy Council of which 20 had been set down for hearing and disposal at its next session.

Members unanimously welcomed the Bill, some holding that it should have in fact been introduced earlier. The Privy Council was praised for the manner in which it had discharged its responsibilities and the hope was expressed that the Federal Court and later the Supreme Court would uphold the judicial traditions of the Privy Council.

GREAT INSTITUTIONS

Mr K. M. Munshi, a member of the Drafting Committee, said: "The British Parliament and the Privy Council have been the two great institutions which the Anglo-Saxon race has given to mankind. On January 26 our Supreme Court will come into existence and join the family of the Supreme Courts of the democratic world, of which the Privy Council is the oldest and perhaps the greatest, and I can only hope and trust that our Supreme Court will carry forward the Privy Council's traditions of judicial detachment, unflinching independence, subordination of everything to the rule of law and conscientious regard for the rights and justice, not only between subject and subject, but between the State and subject".

Mr Alladi Krishnaswami Ayyar, another member of the Drafting Committee, said that under the new Constitution the Supreme Court would be the final court of appeal, not only from the High Courts of what were now provinces, but also from High Courts in Indian States. At present the jurisdiction of the Federal Court over Indian States was confined to matters which arose under the Instrument of Accession.

Praising the Privy Council, he said that whatever might be said about the record of the Executive Government which ended with the Indian Independence Act, the record of the Judicial Committee of the Privy Council had been a splendid one. Occassionally there might have been a legitimate complaint that in certain matters affecting the liberty of the subject the Judicial Committee had not always taken a view which had commended itself to the Indian public, but on the whole the verdict of history would be in favour of the Judicial Committee.

DO NOT FOLLOW BLINDLY

While hoping that the Federal and Supreme Courts of India would follow the example of the Privy Council, Mr Alladi Krishnaswami Ayyar emphasized the fact that they must not do so blindly. He wanted both the Federal and Supreme Courts to follow a jurisprudence suited to the genius of the people of India and conditions in India.

Mr Ananthasayanam Ayyangar (Madras) said that this step should have been taken two years ago. Even Canada was now abolishing the jurisdiction of the Privy Council.

About the record of the Privy Council, Mr Ayyangar said: "I have the greatest respect for those judges on the Privy Council who judged between Indian and Indian and rendered them justice, but there might have been occasions when he did not agree with them when the interests of Englishmen clashed with those of Indians. So far as social legislation was concerned, we had every grievance against the Privy Council". It wanted to fossilize ancient practices and in many cases it did not interpret Hindu law progressively as an Indian Supreme Court would have done. "Many revolutions can take place by

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interpretations of courts without actual legislative enactments. I am sure that the future judges of the Supreme Court and the Federal Court will rise to the occasion.

"This Bill breaks the last link practically of British supremacy in the field of our internal administration It was a very wrong thing on their part to have tried to settle disputes between man and man in his country instead of allowing the community itself to settle them. That link has now been broken"

"GREAT UNIFYING BODY"

Bakshi Tek Chand (East Punjab), welcoming the Bill, said: "At a time when there were no Indian judges in our High Courts and the number of Indian lawyers was very limited, the Privy Council unravelled the mysteries of Hindu and Mohammedan law and other laws and customs which were prevalent in this country and laid down the fundamentals on which the principles of those laws were based. From time to time it elucidated the various Indian laws with an absolutely detached mind and laid down the principles on which the judicial administration of this country was to be based. This process has gone on and though there have been lapses and mistakes, on the whole the Privy Council has been a great unifying body."

Pandit Thakur Das Bhargava (East Punjab) said that the Bill marked the end of India's "judicial slavery" to Britain. At the same time he praised the Privy Council for its "great traditions of impartiality and independence". He pointed out that the Privy Council had been "adorned by many of our countrymen, who played a prominent part in its deliberations".

Pandit Bhargava said that while "we have not succeeded in giving our ordinary courts such paramountcy over the Executive as we desired", he was glad that the Federal Court and the Supreme Court would enjoy the same special kind of jurisdiction which the Judicial Committee enjoyed. There were many cases in which the Privy Council in the exercise of its special jurisdiction had upheld the principles of natural justice and hoped that this precedent would be followed by the Federal and Supreme Courts of India.

JUDICIAL AUTONOMY

Smt Durgabai (Madras) said: "This Bill ushers in an era of judicial autonomy for India. This important change is a necessary corollary of the political and constitutional independence of this country. We hope that the Supreme Court, which is to be the guardian of the new Constitution and of fundamental rights guaranteed under this Constitution, will function very well and that every individual in this country will have occasion to say that it has protected his rights as a true guardian".

Mr B. Das (Orissa) said that with the passing of this measure the flow from India to England of "a huge amount" from Indian litigants would cease.

Mr B. N. Munavalli (Deccan States) wholeheartedly supported the Bill, which was passed amidst cheers.—PTI.

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RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

Despatch No. 885
October 12, 1949
New Delhi, India

REGISTERED No. D-28

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, SEPTEMBER 28, 1949

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 28th September, 1949

The following Act of the Constituent Assembly has been authenticated by the President of the Constituent Assembly by his signature on the 24th September, 1949, and is hereby published for general information: —

CONSTITUENT ASSEMBLY ACT No. V OF 1949.

An Act to abolish the jurisdiction of His Majesty in Council in respect of Indian appeals and petitions.

WHEREAS it is expedient to abolish the jurisdiction of His Majesty in Council in respect of Indian appeals and petitions, and to confer a corresponding jurisdiction on the Federal Court of India;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Abolition of Privy Council Jurisdiction Act, 1949.

(2) It shall come into force on the tenth day of October, 1949, which day is hereinafter referred to as "the appointed day".

Abolition of Privy Council Jurisdiction.

2. (1) As from the appointed day, the jurisdiction of His Majesty in Council to entertain, and save as hereinafter provided to dispose of, appeals and petitions from, or in respect of, any judgment, decree or order of any court or tribunal (other than the Federal Court) within the territory of India, including appeals and petitions in respect of criminal matters, whether such jurisdiction is exercisable by virtue of His Majesty's prerogative or otherwise, shall cease.

(2) The appeals and petitions aforesaid are hereinafter referred to as "Indian appeals" and "Indian petitions", respectively.

Repeal.

26 Geo. 5, c. 2.

3. (1) Sections 208 and 218 of the Government of India Act, 1935, are hereby repealed.

(2) Any legal proceedings pending by virtue of the said section 208 immediately before the appointed day, whether before His Majesty in Council or the Federal Court, shall by virtue of this Act abate on the appointed day.

Continuance of Privy Council jurisdiction in certain pending cases.

4. Nothing contained in section 2 shall affect the jurisdiction of His Majesty in Council to dispose of—

(a) any Indian appeal or petition on which the Judicial Committee of the Privy Council has before the appointed day delivered judgment or, as the case may be, reported to His Majesty, but which has not been determined by an Order in Council of His Majesty; or

(b) any Indian appeal or petition on which the Judicial Committee has, after hearing the parties, reserved judgment or order; or

(c) any Indian appeal which has been entered before the appointed day in the list of business of the Judicial Committee for the Michaelmas sittings of the year 1949 and which after that day is not directed to be removed therefrom by or under the authority of the Judicial Committee; or

(d) any Indian petition which has been lodged before the appointed day in the Registry of the Privy Council.

Conferment of corresponding jurisdiction on Federal Court.

5. (1) As from the appointed day, the Federal Court shall, in addition to the jurisdiction conferred on it by the Government of India Act, 1935, and the Federal Court (Enlargement of Jurisdiction) Act, 1947, but subject to the provisions of this section, have the same jurisdiction to entertain and dispose of Indian appeals and petitions as His Majesty in Council has, whether by virtue of His Majesty's prerogative or otherwise, immediately before the appointed day. 26 Geo. 5, c. 2. I of 1948

(2) Notwithstanding anything contained in sub-section (1) of this section, the Federal Court shall have no jurisdiction in respect of any such appeal or petition as is referred to in section 4:

Provided that where, upon any such petition as aforesaid, special leave to appeal to His Majesty in Council is granted after the appointed day, all further steps to be taken in the appeal shall be taken in, and the appeal shall be disposed of by, the Federal Court as if the special leave to appeal had been granted on a petition made to that Court.

(3) If any question arises whether an appeal or petition is an appeal or petition of the nature referred to in clause (a), (b), (c) or (d) of section 4, a certificate of the Registrar of the Privy Council shall be conclusive evidence on the question.

Transfer of pending appeals to the Federal Court.

6. All proceedings in respect of any Indian appeals pending before His Majesty in Council immediately before the appointed day, except those referred to in section 4, shall by virtue of this Act stand transferred to the Federal Court, and shall be disposed of by it in the exercise of the jurisdiction conferred on it by this Act.

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Continuance of certaain proceeding in High Courts.

7. All proceedings and steps taken in, and orders made and certificates granted by, a High Court in connection with an Indian appeal or petition shall, except in the case of any such appeal or petition as is referred to in section 4, be deemed to be in connection with an appeal or petition to the Federal Court from, or in respect of, the same judgment, decree or order under the provisions of this Act, and shall be concluded, or as the case may be, have effect accordingly.

26 Geo. 5, c. 2.

Effect of orders of His Majesty in Council.

8. Any order of His Majesty in Council made on an Indian appeal or petition, whether before, on or after the appointed day, shall for all purposes have effect, not only as an order of His Majesty in Council, but also as if it were an order or decree made by the Federal Court in the exercise of the jurisdiction conferred by this Act.

Amendments of the Government of India Act, 1935.

26 Geo. 5, c. 2.

9. (1) In section 205 of the Government of India Act, 1935 (hereinafter referred to as the said Act), for sub-section (2) the following sub-section shall be substituted, namely:—

"(2) Where such certificate is given, any party in a case may appeal to the Federal Court on the ground that any question as aforesaid has been wrongly decided and, with the leave of the Federal Court, on any other ground."

(2) In section 209 of the said Act, for sub-sections (1) and (2) the following sub-section shall be substituted, namely:—

"(1) The Federal Court in the exercise of its appellate jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, including an order for the payment of costs, and any decree so passed or order so made shall be enforceable throughout the territory of India in the manner provided in that behalf in the Code of Civil Procedure, 1908, or in such other manner as may be prescribed by or under a law of the Dominion Legislature, or subject to the provisions of any such law, in the manner prescribed by rules made by the Federal Court."

Act V of 1908.

(3) In clause (a) of sub-section (3) of section 210 of the said Act, for the word, brackets and figure "sub-section (2)", the word, brackets and figure "sub-section (1)" shall be substituted.

(4) In section 214 of the said Act, after sub-section (1) the following sub-section shall be inserted, namely:—

"(1A) Subject to the provisions of the Code of Civil Procedure, 1908, or any law made by the Dominion Legislature, the Federal Court may also from time to time, with the approval of the Governor-General, make rules of court for regulating the manner in which any decree passed or order made by it in the exercise of its appellate jurisdiction may be enforced."

Act V of 1908.

Modification of existing laws

10. The provisions of the Code of Civil Procedure, 1908, and of any other law in force on the appointed day relating to Indian appeals and petitions shall as from that day have effect, except in relation to the appeals and petitions referred to in section 4, as if in the said provisions, for all references to His Majesty in Council, there had been substituted references to the Federal Court. Act 5 of 1908.

K. V. K. SUNDARAM, Secy.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, INDIA.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI, INDIA.

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

FROM 1868

LONDON

DATED August 8, 1947

RECD. Aug. 15, 1947 6:06 p.m.

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Washington

A-1750 August 8, 1947

Subject: Pensions for High Court Judges - India

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Mr. Arthur Henderson, Under-Secy of State for India, replied as follows to a question put in the House of Commons August 4, 1947, regarding proportionate pension or compensation for High Court Judges in India:

"Mr. A. Henderson: There is no question at present of any High Court Judges being compelled to retire. Their position is differentiated from that of members of the Civil Services by the fact that under the existing constitution they are independent of control by the Executive. The representatives of the future Dominion Governments of both India and Pakistan have agreed that the maintenance of the principle of an independent judiciary is of paramount importance and, at their request, there has been included in Section 10 (2, b) of the Indian Independence Act a guarantee of the conditions of service of the judges now in office, including their rights as respects their tenure of office. They have also agreed that these judges would be entitled to rank for the grant of proportionate pension if their constitutional position were to be altered so radically as to affect their independence. In these circumstances His Majesty's Government have decided that so long as the judiciary remain constitutionally independent of the executive High Court Judges are ineligible for the grant of either proportionate pension or compensation."

CLARK

PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

cc to American Embassy, New Delhi

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

ACTION
is assigned to

NO.120

AMERICAN CONSULATE GENERAL,
Madras, India, May 13, 1948.

RESTRICTED

SUBJECT: Appointment of the Acting Chief Justice of Madras High Court, Mr. Pakala Venkata RAJAMANNAR as Chief Justice.

DIVISION OF SOUTH ASIAN AFFAIRS
JUN 3 - 1948
Department of State

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C., 25

SIR:

I have the honor, with reference to the appendix to this Consulate General's despatch No.60 of March 10, 1948, to report that Mr. Pakala Venkata RAJAMANNAR, who has been acting Chief Justice of the Madras High Court since the departure of Sir Frederick Gentle, former Chief Justice, was, on April 22, 1948, appointed Chief Justice. A confidential biographic data report on the new Chief Justice is being forwarded separately.

Chief Justice Rajamannar is the youngest (48) man ever to be appointed Acting Chief Justice and the first Indian ever to be Chief Justice. He is a son of the previous Chief Justice of the High Court of the State of Mysore, took his law degree from Madras University and has had a distinguished career first as a lawyer at the bar and later as Advocate-General and then as a judge. He is also the senior Indian Judge in Madras.

The Department will recall that, in the despatch under reference, attention was called to charges which were made in the Madras Legislative Assembly in January that there was an undue amount of interference in the administration of justice by members of the Government. The background of these charges was the belief that candidates for judgeships in the High Court which were invariably nominated by the Chief Justice and appointed by the Governor of the Province were being disregarded and appointments being made for political reasons. While the appointment of judges was technically made by the Governor on the advice of the Premier, in practice, the nomination of the Chief Justice was always accepted. Because certain of Sir Frederick Gentle's candidates were rejected, he resigned.

The confirmation of the appointment of Mr. Rajamannar has received wide-spread approval for two reasons. First, he is a man of merit and has acquitted himself well as Advocate-General and later as a judge of the High Court,

secondly

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secondly, many influential people here believe that the appointment indicates a desire on the part of the Madras Provincial Government to have the Judicial System retain the confidence of the public. From sources which the Consulate General believes to be reliable, it has been learned that with one exception candidates whose names were presented by the former Chief Justice have appeared on the list of candidates recently presented by the present Chief Justice. When appointments have been made, they have been selected from this list.

It is true that the present strength of the High Court is much less than it was during early 1947. The normal strength was sixteen, the present number of judges is twelve. Three reasons have been given for the vacancies not having been filled: (1) The Madras Government is anxious to save money, and had hoped not to have to fill the vacancies until the present vacation-of-court period is over. Four judges were in fact appointed bringing the strength of the court from its low point of eight to its present twelve. (2) Indian judges are believed to dispose of cases more quickly than English judges, of whom there are only two now left. Consequently, the need for the full sixteen judges is not acute, and (3) there is a story, possibly apocryphal, that the premier, who prides himself on being a simple, rural man, feels that if many cases pile up in the courts and interminable delays occur, persons will resort to the courts less and attempt to settle their differences outside them.

Respectfully yours,

Robert P. Chalker
American Consul

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Copy to American Embassy, New Delhi
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" American Consulate General, Bombay.

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DIVISION OF SOUTH ASIAN AFFAIRS
MAR 17 1949
Department of State

No. 201 AMERICAN EMBASSY

CONFIDENTIAL New Delhi, India, March 3, 1949

Subject: Special Privileges of Americans and Europeans under Indian Law.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C.

SIR:

I have the honor to enclose a copy of a letter, dated February 11, 1949, from the Consul General at Calcutta together with a copy of my reply to today's date. These letters relate to an inquiry received by the Consulate General as to what advice would be given to American citizens in regard to waiving or insisting upon the right enjoyed by Europeans in India before independence of being tried by a jury comprising a majority of "Europeans". It will be noted that the Consulate General believes and the Embassy concurs that it would be inadvisable for Americans to attempt to exercise this right.

The Embassy has learned from the office of the United Kingdom High Commissioner in New Delhi that recently, for reasons unknown to it, the West Bengal Government wrote to Mr. J. H. Methold, President of the United Kingdom Citizens Association, Calcutta, referring to Sections 29A, 34A, 275 and 443 of the Criminal Procedure Code and Section 56 of the Indian Penal Code, all relating to special privileges of Europeans and Americans under Indian law, and asked for Mr. Methold's views as to the appropriateness of continuing these sections of law in force under the changed conditions in India. Mr. Methold referred the letter to the Deputy High Commissioner at Calcutta who referred it to the New Delhi office which in turn has passed it along to London. The High Commissioner here has not yet received the instructions of his Government and accordingly it is not known what position the British will take.

It is our opinion here that our offices in India should avoid being associated with any effort on the part of a United States citizen to secure special privileges for himself under provisions of law which are obviously outmoded

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and which, from the point of view of his own interests, it would probably be inadvisable to invoke. We believe that our offices should instead limit their efforts to endeavoring to secure the treatment provided for under Article II of the draft Treaty of Friendship, Commerce and Navigation between the United States and India.

Respectfully yours,

Loy W. Henderson

Enclosures:

1. Letter from Consul General, Bombay, February 11, 1949.

2. Letter to Consul General, Bombay, March 3, 1949.

Original and hectograph to Department

File no. 510.1

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CC: American Embassies, London, Karachi.
American Consulates General in India.

CONFIDENTIAL

Enclosure to despatch no. 201, American Embassy, New Delhi, India, March 3, 1949, entitled "Special Privileges of Americans and Europeans under Indian Law".

AMERICAN CONSULATE GENERAL
Calcutta
February 11, 1949

The Honorable
Loy W. Henderson,
American Ambassador,
American Embassy,
New Delhi.

Sir:

Mr. J. H. Methold, President of the United Kingdom Citizens Association, called on me today to inquire what advice we would give our citizens as to waiving or insisting upon the right enjoyed by "Europeans" in India, before Independence, of being tried by a jury comprising a majority of "Europeans".

I told Mr. Methold that I had no knowledge of the right or privilege to which he referred and that as far as I knew we had no ruling on the subject either from the Embassy or from the Department, but that quite apart from any matter of law or policy my personal opinion was that, if such a right or privilege did still exist, most Europeans would fare better in India today at the hands of a jury having a majority of Indians than they would if they opted to exercise or insisted upon any such right or privilege. Apparently the U.K. High Commissioner's Office is likewise without any ruling or policy directive on this matter, as I understand from a conversation which I have just had with the Counselor of the Deputy High Commissioner's Office here that instructions are being sought from his Government as to the position to be taken respecting British subjects.

Respectfully yours,

Charles H. Derry
American Consul General

CONFIDENTIAL

CONFIDENTIAL

Enclosure no. 2 to despatch no. 201, American Embassy, New Delhi, India, March 3, 1949, entitled "Special Privileges of Americans and Europeans under Indian Law".

AMERICAN EMBASSY

New Delhi, India, March 3, 1949

Charles H. Derry, Esquire,
American Consul General,
Calcutta.

Sir:

I have received your letter of February 11, 1949 reporting an inquiry from Mr. J. H. Methold, President of the United Kingdom Citizens Association, as to what advice would be given to United States citizens in regard to waiving or insisting upon the right, enjoyed by "Europeans" in India before independence, of being tried by a jury comprising a majority of "Europeans".

I quite agree with you that as a rule Europeans would certainly fare better in India today if they did not insist upon exercising the special status accorded to them under various provisions of Indian law. The rights of American citizens accused of crimes in India will be established in the Treaty of Friendship, Commerce and Navigation currently under negotiation with the Government of India. Article II of the draft reads as follows:

> "1. Nationals of either Party within the territories of the other Party shall be free from unlawful molestations of every kind, and shall receive the most constant protection and security, in no case less than that required by international law.
>
> "2. If, within the territories of either Party, a national of the other Party is accused of crime and taken into custody, the nearest consular representative of such other Party shall be immediately notified. Such national shall: (a) receive reasonable and humane treatment; (b) be formally and immediately informed of the accusations against him; (c) be brought to trial as promptly as is consistent with the proper preparation of his defense; and (d) enjoy all means reasonably necessary to his defense, including the services of competent counsel and interpreters."

Pending the conclusion and entry into force of the Treaty, it is suggested that if the question arises of an American citizen wishing to exercise the special rights

accorded

accorded to Europeans and Americans under Indian law you point out to him the practical disadvantages of so doing and the danger that his insistence upon these rights might prejudice rather than assist his case. However, should he still insist, you should be careful not to associate the Consulate General in any way with his efforts to assert these rights as it is the Embassy's belief that it would be contrary to the policy of our Government to attempt to secure the continuance of special rights of this kind which were a consequence of the former dependent status of India. In general, the efforts of the Consulate General should be limited to endeavoring to obtain for our citizens the rights generally accorded to aliens in the courts of the United States or those generally accorded to Indian citizens in India or accorded to aliens here by general custom without the necessity of invoking provisions of law which are not appropriate to the new status of the country.

It is believed that the provision of law referred to by Mr. Methold is Section 275 of the Code of Criminal Procedure which permits Europeans and Americans to require that a majority of the jury in their case be Europeans or Americans. Other provisions of law relating to the special privileges of Europeans and Americans before the law in India include Sections 29A, 34A, 443 and 528A of the Code of Criminal Procedure and Section 56 of the Indian Penal Code.

Very truly yours,

Loy W. Henderson

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DIVISION OF COMMUNICATIONS AND RECORDS
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DEPARTMENT OF STATE

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Rec'd March 7, 1949
2:32 p.m.

DIVISION OF SOUTH ASIAN AFFAIRS

Department of State

FROM: New Delhi

TO: Secretary of State

NO: 291, March 7, 5 p.m.

One. UK High Commissioner tells us GOI (government of India) will introduce bill this week to repeal following special privileges enjoyed by Europeans and Americans (EMBDESP 201 March 3):

A. Right to elect trial by jury majority of which are Europeans or Americans.

B. Right on summons (i.e. minor) offenses to elect trial by two magistrates one of whom is European.

C. Right of release on license (parole) when sentenced to penal servitude.

D. Repeal of European vagrancy act under which special refuges were maintained at principal ports.

Two. UK High Commissioner has advised London there is nothing which UK could or should do re foregoing.

Three. We understand Patel approved decision repeal these privileges year ago but matter was overlooked until now. GOI regards this matter as wholly within its competence and is giving advance notice only to British as courtesy because about twelve cases involving UK citizens now pending in courts.

Four. We agree with attitude of UK High Commissioner in paragraph two. Repeal of privileges discriminating in favor foreigners is natural and inevitable development now that India is fully sovereign.

Sent Department 291; pouched Karachi, Bombay, Calcutta, Madras, London.

HENDERSON

JM:WCB

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CROSS-REFERENCE FILE

NOTE

SUBJECT Reports Chief Justice has been requested to be on hand in New Delhi when Wavell returns in order to pass on "certain legal reforms" under consideration.

For the original paper from which reference is taken

See Tel.#330
(Despatch, telegram, instruction, letter, etc.)

Dated Apr.21, 1945 From / To New Delhi

File No. 845.00/4-2145

U. S. GOVERNMENT PRINTING OFFICE 1—1540

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

LEGAL ADVISER
MAR 22 1946
DEPARTMENT OF STATE

NO. 498 OFFICE OF THE COMMISSIONER

UNRESTRICTED New Delhi, India, February 18, 1946

SUBJECT: Over One Hundred War Time Ordinances Repealed.

DIVISION OF
MIDDLE EASTERN AFFAIRS
MAR 15 1946
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

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SIR:

I have the honor to report that the January 5, 1946, issue of The Gazette of India Extraordinary publishes the text of a Repealing Ordinance (No. 1 of 1946) which repeals, in whole or in part, 113 wartime ordinances of the Government of India.

The ordinances of economic interest which were repealed are as follows:

Year	No.	Short Title	Extent of Repeal
1942	IV	The Indian Coinage (Amendment) Ordinance, 1942	Whole
1942	XIV	The War Risks (Goods) Insurance (Amendment) Ordinance, 1942	"
1942	XIX	The War Risks (Goods) Insurance (Second Amendment) Ordinance, 1942	"
1942	XXV	The Coal Mines Safety (Stowing) Amendment Ordinance, 1942	"
1942	XXVI	The Essential Services (Maintenance) Amendment Ordinance, 1942	"
1942	XXXII	The War Risks (Factories) Insurance (Amendment) Ordinance, 1942	"
1942	XXVI	The War Risks (Goods) Insurance (Third Amendment) Ordinance, 1942	"
1942	XL	The War Risks (Factories) Insurance Second Amendment) Ordinance, 1942	"
1942	XLV	The Railways (Hours of Employment) Ordinance 1942	"
1942	XLVII	The Indian Tea Control (Amendment) Ordinance, 1942	"
1942	LI	The National Service (Technical Personnel) Second Amendment Ordinance, 1942	"
1942	LXVII	The Bengal and North Western and Rihilkund and Kumaon Railway Companies (Transferred Liabilities) Ordinance, 1942	"

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Year	No.	Short Title	Extent of Repeal
1943	VIII	The War Risks (Goods)Insurance (Amendment) Ordinance, 1943	"
1943	X	The War Risks (Factories) Insurance (Amendment) Ordinance, 1943	"
1943	XLI	The Reserve Bank of India (Governor's Powers and Functions) Ordinance, 1943	"
1943	XVI	The Excess Profits Tax Ordinance, 1943	Sections 3,4 & 5
1943	XXV	The War Risks (Inland Vessels) Insurance Ordinance, 1943	Whole
1943	XXVII	The National Service (Technical Personnel) Amendment Ordinance, 1943	"
1944	VIII	The Excess Profits Tax (Amendment) Ordinance, 1944	"
1944	IX	The War Risks Insurance (Extending) Ordinance, 1944	"
1944	X	The Railways (Coal Contracts Extension) Ordinance, 1944	"
1944	XII	The Hoarding and Profiteering Prevention (Amendment) Ordinance, 1944	"
1944	XVIII	The Railways (Employment of Military Personnel) Amendment Ordinance, 1944	"
1944	XXVII	The Coal Mines Labor Welfare Fund (Amendment) Ordinance, 1944	"
1944	XXVIII	The Famine Inquiry Commission Ordinance, 1944	"
1944	XLI	The Allied Forces (Exemption from Local Taxation) Second Amendment Ordinance, 1944	"
1944	XLVII	The National Service (Technical Personnel) Amendment Ordinance, 1944	"
1944	LIII	The Hoarding and Profitter Prevention (Second Amendment Ordinance, 1944	"
1944	LIV	The War Injuries (Compensation Insurance) Amendemtn Ordiance, 1944	"

Year	No.	Short Title	Extent of Repeal
1944	LVI	The Cotton Textiles Fund (Second Amendment) Ordinance, 1944	"
1945	XIII	The War Risks (Factories) Insurance (Amendment) Ordinance, 1945	"

One copy of The Gazette of India Extraordinary of January 6, 1946, is enclosed.

Respectfully yours,

George R. Merrell

Enclosure: all

One copy of The Gazette of India Extraordinary of January 5, 1946.

Copies to all American consular offices in India.

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Original and ozalid to Department.

REGISTERED No. L. 3131.

The Gazette of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, JANUARY 5, 1946

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 5th January, 1946

ORDINANCE No. I OF 1946

AN

ORDINANCE

to repeal certain Ordinances

WHEREAS an emergency has arisen which makes it necessary to repeal, wholly or partially, certain Ordinances ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(*1*) This Ordinance may be called the Repealing Ordinance, 1946.

(*2*) It shall come into force at once.

2. Repeal of certain Ordinances.—The Ordinances specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Savings.—The repeal by this Ordinance of any Ordinance shall not affect—

(*i*) the previous operation of any Ordinance so repealed or the validity, invalidity, effect or consequences of anything already done or suffered thereunder, or

(*ii*) any right, title, privilege, obligation or liability acquired, accrued or incurred thereunder, or any release or discharge already granted of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing, or

(*iii*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Ordinance so repealed, or

(*iv*) any investigation, legal proceeding or remedy in respect of any such right, title, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Ordinance had not been made ;

nor shall the repeal by this Ordinance of—

(*a*) any Ordinance by which the text of any law was amended by the express omission, insertion or substitution of any matter, affect the continuance of any

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such amendment in operation at the commencement of this Ordinance, unless a different intention was expressly stated in the Ordinance by which the amendment was made;

(*b*) any Ordinance which was expressed to have any retrospective effect or operation, affect or prejudice in any way such retrospective effect or operation;

nor shall this Ordinance revive or restore anything not in force or existing at the time of its commencement, or affect any law in which any Ordinance hereby repealed has been applied, incorporated or referred to, or affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that they respectively may have been in any manner affirmed, recognised or derived by, in or from any Ordinance hereby repealed.

4. Special provisions in regard to Ordinance XXXVII of 1943.—For the avoidance of doubts it is hereby declared—

(*a*) that notwithstanding the repeal by this Ordinance of the Military Operational Area (Special Powers) Ordinance, 1943, any trial commenced before a Military Court constituted under that Ordinance and not concluded before the commencement of this Ordinance may be proceeded with by that Court, and all the provisions of that Ordinance shall continue to apply to the trial and to any sentence or order passed therein;

(*b*) that any offence committed before the commencement of this Ordinance which would but for the repeal of the said Ordinance have been triable only by a Military Court constituted under that Ordinance may, if the provisions of clause (*a*) are not applicable, be inquired into and tried in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898) by a Court of competent jurisdiction under that Code:

Provided that nothing in clause (*b*) shall be construed as rendering the provisions of section 22, section 23 or section 24 of the said Ordinance applicable to any offence not tried by a Military Court under the said Ordinance.

THE SCHEDULE

ORDINANCES REPEALED

(*See section 2*)

Year 1	No. 2	Short title 3	Extent of repeal 4
1941	IV	The Air Raid Precautions Services Ordinance, 1941 .	The whole.
1942	I	The War Injuries (Amendment) Ordinance, 1942 .	Do.
1942	IV	The Indian Coinage (Amendment) Ordinance, 1942 .	Do.
1942	V	The Motor Vehicles (Drivers) Ordinance, 1942 . .	Sections 3, 4, 5 and 6.
1942	VI	The National Service (Technical Personnel) Amendment Ordinance, 1942.	The whole.
1942	VII	The Penalties (Enhancement) Amendment Ordinance, 1942.	Do.
1942	XIV	The War Risks (Goods) Insurance (Amendment) Ordinance, 1942.	Do.
1942	XVI	The Registration of Foreigners Act (Extending) Ordinance, 1942.	Do.
1942	XVIII	The Indian Army (Amendment) Ordinance, 1942 .	Do.
1942	XIX	The War Risks (Goods) Insurance (Second Amendment) Ordinance, 1942.	Do.
1942	XXI	The Railway Air Raid Precautions Services Ordinance, 1942.	Do.
1942	XXIII	The Defence of India (Amendment) Ordinance, 1942.	Do.

Year 1	No. 2	Short title 3	Extent of repeal 4
1942	XXIV	The Special Criminal Courts (Amendment) Ordinance, 1942.	The whole.
1942	XXV	The Coal Mines Safety (Stowing) Amendment Ordinance, 1942.	Do.
1942	XXVI	The Essential Services (Maintenance) Amendment Ordinance, 1942.	Do.
1942	XXVII	The Auxiliary Force (Amendment) Ordinance, 1942 .	Do.
1942	XXIX	The Penalties (Enhancement) Second Amendment Ordinance, 1942.	Do.
1942	XXX	The Hellenic Naval Court Ordinance, 1942 . . .	Do.
1942	XXXI	The Indian Army Act (Application) Ordinance, 1942.	Do.
1942	XXXII	The War Risks (Factories) Insurance (Amendment) Ordinance, 1942.	Do.
1942	XXXIV	The Hellenic Naval Court (Extension) Ordinance, 1942.	Do.
1942	XXXV	The Crown Representative's Commission of Enquiry (Summonses) Ordinance, 1942.	Do.
1942	XXXVI	The War Risks (Goods) Insurance (Third Amendment) Ordinance, 1942.	Do.
1942	XXXVII	The Women's Auxiliary Corps (Amendment) Ordinance, 1942.	Do.
1942	XXXVIII	The Essential Services (Maintenance) Second Amendment Ordinance, 1942.	Do.
1942	XXXIX	The War Injuries (Second Amendment) Ordinance, 1942.	Do.
1942	XL	The War Risks (Factories) Insurance (Second Amendment) Ordinance, 1942.	Do.
1942	XLII	The Special Criminal Courts (Second Amendment) Ordinance, 1942.	Do.
1942	XLIII	The Collective Fines (Amendment) Ordinance, 1942.	Do.
1942	XLV	The Railways (Hours of Employment) Ordinance, 1942.	Do.
1942	XLVI	The Penalties (Enhancement) Third Amendment Ordinance, 1942.	Do.
1942	XLVII	The Indian Tea Control (Amendment) Ordinance, 1942.	Do.
1942	XLVIII	The Defence of India (Second Amendment) Ordinance, 1942.	Do.
1942	XLIX	The Collective Fines (Second Amendment) Ordinance, 1942.	Do.
1942	L	The Indian Navy (Discipline) Amendment Ordinance, 1942.	Do.
1942	LI	The National Service (Technical Personnel) Second Amendment Ordinance, 1942.	Do.
1942	LII	The Indian Press (Emergency Powers) Amendment Ordinance, 1942.	Do.
1942	LV	The Women's Auxiliary Corps (Second Amendment) Ordinance, 1942.	Do.
1942	LVIII	The Army and Air Force (Enrolment) Ordinance, 1942.	Do.
1942	LXI	The Special Criminal Courts (Third Amendment) Ordinance, 1942.	Do.
1942	LXIII	The Collective Fines (Third Amendment) Ordinance, 1942.	Do.
1942	LXIV	The Indian Soldiers (Litigation) Amendment Ordinance, 1942.	Do.
1942	LXV	The Civil Pioneer Force (Amendment) Ordinance, 1942.	Do.
1942	LXVII	The Bengal and North Western and Rohilkund and Kumaon Railway Companies (Transferred Liabilities) Ordinance, 1942.	Do.
1942	LXVIII	The Commissioner of Ajmer-Merwara (Construction of References) Ordinance, 1942.	Do.
1943	II	The Essential Services (Maintenance) Amendment Ordinance, 1943.	Do.

Year 1	No. 2	Short title 3	Extent of repeal 4
1943	III	The Penalties (Enhancement) Amendment Ordinance, 1943.	The whole.
1943	V	The Collective Fines (Amendment) Ordinance, 1943.	Do.
1943	VII	The Civil Pioneer Force (Amendment) Ordinance, 1943.	Do.
1943	VIII	The War Risks (Goods) Insurance (Amendment) Ordinance, 1943.	Do.
1943	IX	The War Risks (Factories) Insurance (Amendment) Ordinance, 1943.	Do.
1943	X	The Special Criminal Courts (Amendment) Ordinance, 1943.	Do.
1943	XI	The Indian Navy (Discipline) Amendment Ordinance, 1943.	Do.
1943	XII	The Reserve Bank of India (Governor's Powers and Functions) Ordinance, 1943.	Do.
1943	XIV	The Defence of India (Amendment) Ordinance, 1943.	Do.
1943	XV	The Enemy Agents (Amendment) Ordinance, 1943	Do.
1943	XVI	The Excess Profits Tax Ordinance, 1943 . . .	Sections 3, 4 and 5.
1943	XXIII	The Civil Pioneer Force (Amendment) Ordinance, 1943	The whole.
1943	XXV	The War Risks (Inland Vessels) Insurance Ordinance, 1943.	Do.
1943	XXVI	The Special Criminal Courts (Repeal) Amendment Ordinance, 1943.	Do.
1943	XXVII	The National Service (Technical Personnel) Amendment Ordinance, 1943.	Do.
1943	XXXII	The Special Criminal Courts (Repeal) Second Amendment Ordinance, 1943.	Do.
1943	XXXIV	The Subversive Activities Ordinance, 1943 . .	Do.
1943	XXXVII	The Military Operational Area (Special Powers) Ordinance, 1943.	Do.
1943	XXXVIII	The Civil Pioneer Force (Third Amendment) Ordinance, 1943.	Do.
1943	XXXIX	The Criminal Law Amendment (Amending) Ordinance, 1943.	Do.
1943	XL	The Criminal Law Amendment (Second Amending) Ordinance, 1943.	Do.
1943	XLII	The North-West Frontier Constabulary (Amendment) Ordinance, 1943.	Do.
1943	XLIV	The Defence of India (Second Amendment) Ordinance, 1943.	Do.
1944	I	The Allied Forces (Exemption from Local Taxation) Amendment Ordinance, 1944.	Do.
1944	V	The Indian Army (Amendment) Ordinance, 1944.	Do.
1944	VI	The Criminal Law Amendment (Amending) Ordinance, 1944.	Do.
1944	VIII	The Excess Profits Tax (Amendment) Ordinance, 1944.	Do.
1944	IX	The War Risks Insurance (Extending) Ordinance, 1944.	Do.
1944	X	The Railways (Coal Contracts Extension) Ordinance, 1944.	Do.
1944	XI	The Enemy Agents (Amendment) Ordinance, 1944	Do.
1944	XII	The Hoarding and Profiteering Prevention (Amendment) Ordinance, 1944.	Do.
1944	XIII	The Burma Police Forces (Discipline Enforcement) Ordinance, 1944.	Do.
1944	XIV	The Indian Soldiers (Litigation) Amendment Ordinance, 1944.	Do.
1944	XV	The Bombay Commission of Inquiry Ordinance, 1944	Do.
1944	XVI	The Criminal Law Amendment (Second Amending) Ordinance, 1944.	Do.
1944	XVII	The Indian Navy (Discipline) Amendment Ordinance, 1944.	Do.
1944	XVIII	The Railways (Employment of Military Personnel) Amendment Ordinance, 1944.	Do.

Extent of repeal 4
The whole.
Do,
o.

Year 1	No. 2	Short title 3	Extent of repeal 4
1944	XXII	The Restriction and Detention (Amendment) Ordinance, 1944.	The whole.
1944	XXIII	The Discipline of Seamen (Amendment) Ordinance, 1944.	Do.
1944	XXIV	The Criminal Law Amendment (Third Amending) Ordinance, 1944.	Do.
1944	XXVI	The Defence of India (Amendment) Ordinance, 1944	Do.
1944	XXVII	The Coal Mines Labour Welfare Fund (Amendment) Ordinance, 1944.	Do.
1944	XXVIII	The Famine Inquiry Commission Ordinance, 1944 .	Do.
1944	XXIX	The War Risks (Goods) Insurance (Amendment) Ordinance, 1944.	Do.
1944	XXX	The Army (Provision for Dependants) Ordinance, 1944.	Section 3.
1944	XXXI	The Indian Army (Second Amendment) Ordinance, 1944.	Section 3.
1944	XXXIII	The Indian Finance (Amendment) Ordinance, 1944	The whole.
1944	XXXVI	The Criminal Law Amendment (Fourth Amending) Ordinance, 1944.	Do.
1944	XL	The Criminal Law Amendment (Fifth Amending) Ordinance, 1944.	Do.
1944	XLI	The Allied Forces (Exemption from Local Taxation) Second Amendment Ordinance, 1944.	Do.
1944	XLIII	The Cotton Textiles Fund (Amendment) Ordinance, 1944.	Do.
1944	XLIV	The Indian Army (Third Amendment) Ordinance, 1944.	Do.
1944	XLVI	The Registration (Emergency Powers) Ordinance, 1944.	Do.
1944	XLVII	The National Service (Technical Personnel) Amendment Ordinance, 1944.	Do.
1944	XLVIII	The Code of Criminal Procedure (Amendment) Ordinance, 1944.	Do.
1944	XLIX	The Criminal Law Amendment (Sixth Amending) Ordinance, 1944.	Do.

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Year	No.	Short title	Extent of repeal
1	2	3	4
1944	LI	The Bombay Explosion (Compensation) Amendment Ordinance, 1944.	The whole
1944	LII	The Criminal Law Amendment (Seventh Amending) Ordinance, 1944.	Do.
1944	LIII	The Hoarding and Profiteering Prevention (Second Amendment) Ordinance, 1944.	Do.
1944	LIV	The War Injuries (Compensation Insurance) Amendment Ordinance, 1944.	Do.
1944	LV	The Women's Auxiliary Corps (Amendment) Ordinance, 1944.	Do.
1944	LVI	The Cotton Textiles Fund (Second Amendment) Ordinance, 1944.	Do.
1945	X	The War Injuries (Amendment) Ordinance, 1945.	Do.
1945	XIII	The War Risks (Factories) Insurance (Amendment) Ordinance, 1945.	
1945	XV	The Civil Affairs (Malaya) Police Force (Discipline) Ordinance, 1945.	Do.
1945	XXVI	The Andaman and Nicobar Islands Police Force (Temporary Provisions) Ordinance, 1945.	Do.
1945	XXVIII	The Military Operational Area (Special Powers) Amendment Ordinance, 1945.	Do.

WAVELL,
Viceroy and Governor General.

H. SPENCE,
Secy. to the Govt. of India.

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 210

AMERICAN EMBASSY

Karachi, June 14, 1949

RESTRICTED

Subject: New Ordinances of the Government of Jammu and Kashmir.

DIVISION OF SOUTH ASIAN AFFAIRS
JUN 22 1949
DEPARTMENT OF STATE.

The Honorable

The Secretary of State,

Washington.

REC'D
JUNE 21

Sir:

I have the honor to transmit herewith typed copies of three recent ordinances of the Government of Jammu and Kashmir, Nos. III, V, and VIII of the year 2005. The year 2005 is the Hindu Bikram year which began in April 1948. The copies from which the enclosures were made were obtained from a reliable confidential source.

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The purpose of all three ordinances is to provide against any possible defection from the will and authority of the Maharajah's Government. Acts of omission as well as commission are made subject to the death penalty, while the territorial scope of the ordinances extends to the "whole of the State" and in the case of Ordinance VIII to "subjects and servants of the State outside the Jammu and Kashmir State wherever they may be". The far-reaching implications of the ordinances, comparable to the best tradition of German and Japanese "dangerous thought" legislation, are readily apparent but a few paragraphs would appear to merit special emphasis:

(1) Ordinance No. V, numbered paragraphs 5.(1) and 6.(1):

"Any officer of police, not below the rank of a Sub-Inspector, any officer of the Customs Department and any other officer of the Government empowered by a general or special order of the Government in this behalf may arrest without warrant any person who has contravened or against whom a reasonable suspicion exists that he has contravened the provisions of order made under section 2." . . . .

"Where any police officer, not below the rank of Inspector, or any other public servant authorized by a general or special order of the Government in this behalf, has reason to suspect that any person who is about to depart from the State is attempting so to depart for purposes prejudicial to the Public safety or to the defence of the State, he may, notwithstanding the fact that such departure does not contravene any order may under section 2, prevent the departure of that person."

(2) Ordinance No.

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(2) Ordinance No. VIII, numbered paragraphs 13.(4), 14 and 17:

"Notwithstanding anything contained in the Code of Criminal Procedure, 1989, no finding, sentence or order passed in a trial before a Special Judge shall be ... to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1). " . . . .

"Notwithstanding the provisions of the Code of Criminal Procedure, 1989, or of any other law for the time being in force, or of any thing having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence made or passed by a Special Judge or a reviewing Judge under this Ordinance and, save as provided in this Ordinance, no Court shall have authority to revise such order or sentence or to transfer any case from the Court of a Special Judge or to make any order under section 491 of the Code of Criminal Procedure, 1989, or have any jurisdiction of any kind in respect of any proceedings under this Ordinance, " . . . .

"Any person who, without the previous authorization of the Government, discloses or publishes any information with respect to any proceedings or with respect to any person proceeded against under this Ordinance, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both."

It is the Embassy's understanding that the 13 political prisoners mentioned in the letter of March 9, 1949, to UNCIP from the Pakistan Liaison Officer were all arrested under the provisions of Ordinance No. VIII of 2005, and, according to Pakistan sources, it is primarily under the all-embracing features of this Ordinance that Abdullah legally justifies his reign of suppression, coercion and terror designed to intimidate Kashmiris into voting for accession to India!

Respectfully yours,

Hooker A. Doolittle
Charge d'Affaires ad interim

Enclosures:

1. Ordinance III
2. Ordinance V
3. Ordinance VIII

Copies to
American Embassy, New Delhi and London
American Consulate General, Lahore
U. N. Delegate, UNCIP

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COThompson/mm

Enclosure No. 1 to despatch
No. 210, from the American
Embassy, Karachi, Pakistan,
June 14, 1949, re New Ordinances
of the Government of Jammu and
Kashmir

COPY

GOVERNMENT OF JAMMU AND KASHMIR

An Ordinance to provide for Enhanced Punishment in the case of Certain offences.

ORDINANCE NO. III of 2005.

WHEREAS an emergency has arisen which makes it necessary to provide for enhanced punishment in the case of offences committed by members of the Police force,-

Now, therefore, in exercise of the powers reserved under section 5 of the Jammu & Kashmir Constitution Act, 1996, His Highness is pleased to make and promulgate the following Ordinance.

1. (1) This Ordinance may be called "The Police Enhanced Penalties Ordinance, 2005".

(2) It shall extend to the whole of the State.

(3) It shall come into force at once.

2. "Enemy" means and includes a person who, directly or indirectly, participates or assists in the campaign recently undertaken by the Raiders from outside in subverting the Government established by law.

3. Any member of the Police force, who commits an offence punishable under section 30 of the Police Act, 1903, shall, in lieu of any punishment of to which he is liable under the said Act, be liable to imprisonment of either description for a term which may extend to seven years and fine.

4. Any member of the Police force, who, by any of his act or illegal omission, assists or attempts to assist or abets assisting the enemy, shall be liable to a sentence of death or imprisonment for life.

5. Prosecutions under this Ordinance shall lie with the previous sanction of the Minister-in-charge of the Police Department.

(SD HARI SINGH
Maharajadhiraj

Enclosure No. 2 to despatch No. 210, from the American Embassy, Karachi, Pakistan, June 14, 1949, re New Ordinances of the Government of Jammu and Kashmir.

COPY

An Ordinance to Control Egress from or movement within the State of Persons for the Time being in the State.

ORDINANCE NO. V of 2005

WHEREAS an emergency has arisen which makes it necessary to control egress from or movement within the State of persons for the time being in the State;

Now, therefore, in exercise of the powers reserved under section 3 of the Jammu and Kashmir Constitution Act, 1996, His Highness has been pleased to make and promulgate the following Ordinance:

1. (1) This Ordinance may be called the Egress and Internal Movement (Control Ordinance) 2005.

(2) It extends to the whole of the State.

(3) It shall come into force at once.

2. The Government may, by notifying in the Government Gazette, order that any person for the time being in the State or any class of such persons shall not proceed to a destination outside the State or move within the State from one place to another, except under the authority of a written permit granted in such form and manner and by such authority or person as may be specified in the order.

3. Any person who contravenes the provision of any order made under section 2, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

4. The pilot of any aircraft by means of which any person leaves the State in contravention of any order made under section 2 shall unless he proves that he exercised all diligence to prevent the said contravention be deemed to have abetted the contravention.

5. (1) Any officer of police, not below the rank of a Sub-Inspector, any officer of the Customs Department and any other officer of the Government empowered by a general or special order of the Government in this behalf may arrest without warrant any person who has contravened or against whom a reasonable suspicion exists that he has contravened the provisions of order made under section 2.

(2) Every officer making an arrest under this section shall without unnecessary delay take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in-charge of the nearest Police Station and the provisions of section 61 of the Code of Criminal Procedure, 1989, shall apply in the case of any such arrest.

6. (1) Where any police officer, not below the rank of Inspector, or any other public servant authorised by a general or special order of the Government in this behalf, has reason to suspect that any person who is about to depart from the State is attempting so to depart for purposes prejudicial to the Public safety or to the

defence of the State, he may, notwithstanding the fact that such departure does not contravene any order may under section 2, prevent the departure of that person.

(2) Any police officer or other public servant who prevents the departure of any person under sub-section (1) shall forthwith report the fact of such prevention to the District Magistrate and the District Magistrate may, if he thinks fit, by order, take such action so as to prevent his leaving the State so long as the order under section 2 is in force.

7. No suit prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Ordinance or an order made under it.

(SD) Hari Singh
Maharajadhiraj

ORDINANCE

An Ordinance to Provide for the Trial and Punishment of Enemy Agents and Persons Committing Certain Offences with Intent to Aid the Enemy.

ORDINANCE No. VIII of 2005

WHEREAS an emergency has arisen as a result of wanton attack by outside enemies and enemies of the State which makes it necessary to provide for the trial and punishment of enemy agents and persons committing certain offences with intent to aid the enemy.

And whereas the present law on the subject (Ordinance No. XIX of 2004) requires to be amended in certain respects and it is proposed to issue the Ordinance with necessary amendments in consolidated form.

Now, therefore, in exercise of the powers reserved under section [illegible] of the Jammu and Kashmir Constitution Act, 1996, His Highness is pleased to make and issue the following Ordinance.

1. (1) This Ordinance may be called the Enemy Agents Ordinance, 2005.

(2) It extends to the whole of the Jammu and Kashmir State and applies also to subjects and servants of the State outside the Jammu and Kashmir State wherever they may be.

(3) It shall come into force at once.

2. In this Ordinance unless there is anything repugnant in the subject or context:

(a) "Enemy" means and includes any person directly or indirectly participating or assisting in the campaign recently undertaken by raiders from outside in subverting the Government established by law in this State.

(b) "Enemy Agent" means a person not operating as a member of enemy armed force who is employed by, or works for, or acts on instructions received from the enemy.

3. Whoever is an enemy agent, or, with intent to aid the enemy, does, or attempts or conspires with any other person to do any act which is designed or likely to give assistance to the military or air operations of the enemy or to impede the military or air operations of Indian forces or His Highness' Forces or the forces of any Indian State or to endanger life or is guilty of incendiarism shall be punishable with death, or rigorous imprisonment for life or with rigorous imprisonment for a term which may extend to 10 years and shall also be liable to fine.

4. (1) Any

4. (1) Any offence punishable under section 3 committed at any time after 22 October, 1947, whether committed before or after the commencement of this Ordinance, shall be triable under the provisions of this Ordinance.

(2) Where a person is charged before a Special Judge with an offence punishable under section 3 he may be charged with and tried at the same trial for any other offence with which he might under the Code of Criminal Procedure, 1989, be charged at one trial and the procedure of the Ordinance shall apply to the trial of any such other offence.

5. (1) For the trial of offences punishable under section 3 the Government may appoint as Special Judges having jurisdiction throughout the State, any person who has for a period of not less than one year, exercised the powers of a Sessions Judge under the Code of Criminal Procedure, 1989, or who have for a period of not less than four years, exercised enhanced powers of a Magistrate of the first class under section 30 of the said Code or who have, for a period of not less than 10 years practised at the Bar.

(2) A special Judge shall try any offence punishable under section 3 which the Government by general or special order in writing direct to be tried by him and may hold his sittings for the trial of any case in any place fixed by the Government.

6. (1) The Government may at any stage of the proceedings before Special Judge transfer the case to another Special Judge.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1989, when a case is transferred under sub-section (1) the Special Judge to whom the case is transferred shall not be bound to resummon or rehear the witnesses or any of them unless he is satisfied that such a course is necessary in the interests of justice.

7. (1) A Special Judge may take cognizance of an offence without the accused being committed to his Court for trial, and, in trying accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1989, for the trial of warrant cases by Magistrates.

Provided that a Special Judge shall ordinarily record a memorandum only of the substance of the evidence of each witness examined, may refuse to summon any witness if satisfied after examination of the accused that the evidence of such witness will not be material and shall not be bound to adjourn any trial for any purpose unless such adjournment is in his opinion necessary in the interests of justice.

(2) In matters not coming within the scope of subsection (1) the provisions of the Code of Criminal Procedure, 1989, so far as they are not inconsistent with this Ordinance, shall apply to the proceedings of a Special Judge; and for the purposes of the said

provisions/

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provisions the Court of the Special Judge shall be deemed to be a Court of Sessions.

8. A Special Judge may pass any sentence authorized by law.

9. (1) If in any proceeding before a Special Judge-

(a) a person convicted is sentenced to death or to imprisonment for life, or

(b) though no person is so sentenced, the Special Judge certifies that in his opinion the case has involved questions of special difficulty, whether of law or fact or is one which for any other reason ought properly to be reviewed the proceedings shall be submitted for review by a person chosen by the Government from the Judges of the High Court and the decision of that person shall be final.

(2) Where any proceedings are so submitted for review the Judge reviewing the proceedings may entertain in his discretion of any of the powers exercisable under section 439 of the Code of Criminal Procedure, 1898, by the High Court in the case of any proceedings to which the said section 439 refers:

Provided that, where in the exercise of these powers the Judge reviewing the proceedings directs a retrial of the accused or directs further evidence to be taken, the reviewing Judge may direct the retrial to be held or the further evidence to be taken by the Special Judge by whom the case was tried in the first instance, or by any other Special Judge, or by a Special Judge to be appointed for the purpose by the Government.

(3) The person appointed under sub-section (1) to review the proceedings of a Special Judge may call for and examine the record of any proceedings before the Special Judge for the purpose of satisfying himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the regularity of any proceedings of the Special Judge, and may exercise in the case of proceedings the record of which has been called for any of the powers which may be exercised by the High Court in the case of such proceedings and may be authorized to act for review under sub-section (1).

10. If, as respects any proceeding before a Special Judge or before a Judge trying under section 6 of the proceedings of a Special Judge, the Special Judge or Judge trying the case may be, is satisfied that it is expedient in the interests of the public safety or the defence of the State so to do, such Judge may give directions that throughout or during any part of the proceedings such person or class of person as the Judge may determine shall be excluded.

11. (1) In

RESTRICTED

American Embassy
Karachi, Pakistan
Jan 14, 1949
Despatch No. 210

- 4 -

11. (1) In any proceedings before the Special Judge and in proceeding before a Judge revising under section 9 the proceedings of a Special Judge, when the special Judge or the reviewing Judge grants permission in this behalf a person accused of an offence triable under this Ordinance may be defended by a pleader.

(2) A Special Judge or a Judge reviewing under section the proceedings of a Special Judge, may appoint a pleader to defend at any stage of the proceedings a person accused of an offence triable under this Ordinance who has not himself engaged a pleader.

(3) A Special Judge shall not be required to grant an adjournment for the purpose of securing the attendance of a pleader if in the opinion of the Special Judge such adjournment would cause unreasonable delay in the disposal of the case.

12. Notwithstanding anything contained in the Evidence Act, 1977, when the statement of any person has been recorded by the Magistrate such statement may be admitted in evidence in any trial before a Special Judge, if such person is dead or cannot be found or is incapable of giving evidence.

13. (1) When any accused in a trial before a Special Judge has by his voluntary act rendered himself incapable of appearing before the court, or resists his production before it, or behaves before it in a persistently disorderly manner, the Court may, at any stage of the trial, by order in writing, made after such enquiry as it may think fit, dispense with the attendance of such accused for such a period as it may think fit and proceed with the trial in his absence.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or being present in person if he has become capable of appearing, or appears in Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1989, no finding, sentence or order passed in a trial before a Special Judge shall be held to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

14. Notwithstanding the provisions of the Code of Criminal Procedure, 1989, or of any other law for the time being in force, or of any thing having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence made or passed by a Special Judge or a reviewing Judge under this Ordinance and, save as provided in this Ordinance, no Court shall have authority

to

A microfilm project of

RESTRICTED

American Embassy
Karachi, Pakistan
June 14, 1949
Despatch No. 210

- 5 -

to revise such order or sentence or to transfer any case from the Court of a Special Judge or to make any order under section 491 of the Code of Criminal Procedure, 1989, or have any jurisdiction of any kind in respect of any proceedings under this Ordinance.

15. (1) Notwithstanding the provision of the Code of Criminal Procedure, 1989, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done no person other than the accused or his pleader shall be entitled to be furnished with a copy of any part of the records of, or of any document relating to, any proceedings under this ordinance.

(2) Any such copy furnished to the accused or his pleader, shall be kept by the person to whom it was furnished in his personal custody; and it shall be an offence punishable under section 17 for that person to show it to any person other than his pleader or his client, as the case may be, or to divulge its contents except in the course of the proceeding for the purpose of which it was obtained.

(3) Any such copy shall be returned to the authority from whom it was obtained within 10 days of the conclusion of the proceedings for the purpose of which it was furnished and any failure so to do shall be punishable with the punishment provided for an offence under section 17.

16. The provisions of the Code of Criminal Procedure, 1989, and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this ordinance shall apply to all matters connected with arising from or consequent upon a trial under this Ordinance.

17. Any person who, without the previous authorization of the Government, discloses or publishes any information with respect to any proceedings or with respect to any person proceeded against under this Ordinance, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

18. The Government may make rules providing for any matter necessary to carry into effect the purposes of this Ordinance.

19. The Enemy Agents Ordinance No. XIX of 2004 is hereby repealed but all rules made orders issued prosecutions and action taken and punishment awarded under that Ordinance shall be deemed to have been made, issued, taken and awarded under this Ordinance.

(SD) HARI SINGH
Maharajadhiraj.

No.161

ACTION is assigned to

AMERICAN CONSULATE GENERAL

Madras, India, June 14, 1948

DIVISION OF SOUTH AFRAN AFFAIRS
JUL 6 1948
Department of State

UNCLASSIFIED

SUBJECT: The Criminal Procedure Code (Amendment) Bill - Travancore State.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON 25, D. C.

SIR:

I have the honor to report that a bill, called "The Criminal Procedure Code (Amendment) Bill", proposing to delete certain special provisions embodied in the Criminal Procedure Code in respect to the trial of European British subjects in connection with offences committed by them within the Travancore State, has been published under date May 25, 1948. A copy of the bill, in hectograph, is enclosed.

Respectfully yours,

Robert P. Chalker
American Consul

Enclosure:

A copy of "The Criminal Procedure Code (Amendment) Bill", in hectograph.

804.41
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Original and hectograph to Department
Copy to American Embassy, New Delhi.

UNCLASSIFIED

RECEIVED 1948 JUL 1 AM 9 42 DEPARTMENT OF STATE

DC/M FACILITIES BRANCH

RECEIVED JUL 2 1948 DEPARTMENT OF STATE

FILED JUL 12 1948 CS/V

845.0441/6-1448

UNCLASSIFIED

Enclosure to Despatch No.161 dated June 14, 1948, from the American Consulate General, Madras, India, on subject:"The Criminal Procedure Code (Amendment) Bill - Travancore State".

NOTIFICATION.

R.O.C.No.9/48/L.A.

The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the President, under Rule 26 of the Travancore Legislative Assembly Rules.

Assembly Office,
Trivandrum 25th May 1948.

V. Krishnamoorthy Aiyar,
Secretary to the Legislative Assembly

THE CRIMINAL PROCEDURE CODE
(AMENDMENT) BILL.

Preamble. Whereas it is expedient further to amend the Code of Criminal Procedure, 1117, (VIII of 1117) as amended by Acts XI of 1117, V of 1119 and III of 1123, for a certain purpose;

It is hereby enacted as follows:-

1. Short title, extent and commencement. (1) This Act may be called the Criminal Procedure Code (Second Amendment) Act, 1123.
(2) It extends to the whole of Travancore.
(3) It shall come into force at once.

2. Omission of sections 4 (1) (e)and 365 to 376 in Act VIII of 1117. The following Sections of the Code of Criminal Procedure, 1117 (VIII of 1117), as amended by Acts XI of 1117, V of 1119, XX of 1119 and III of 1123, shall be omitted:-
(a) Section 4 (1) (e);

(b) Section 365 to 376 (Part VIII, Chapter XXXIII).

Statement of Objects and Reasons.

European British subjects have been enjoying special privileges in the matter of their trial for offences committed in the State. With the lapse of Paramountcy, all arrangements made with the Paramount Power for the trial of European British subjects ceased to be operative from 15th August 1947, and therefore, no British subject can now claim any preferential treatment. As regards European British subjects, it is considered not expedient to allow any racial distinction in respect of their trial in the State. By the Criminal Law Amendment Act, XII of 1923, sections 450 to 463 of the Indian Criminal Procedure Code have also been repealed though certain other provisions were made in regard to the trial of European British subjects. Similar amendments have also been proposed to the Mysore Criminal Procedure Code and a Bill for the purpose has been published in the Mysore Gazette dated the 23rd December 1947.

The Bill proposes to omit the special provisions embodied in the Code in respect of the trial of European British subjects.

A. Thanu Pillai,
T. K. Gopalan Nair
Secretary to Government.

1/5/R

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation 845.04413/1-145 --- 123149

Date May 25, 1949

From request for investigation by the F.B.I

To concerning forged checks drawn on the First Nat. Bank

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

☒ Security-Classified Information

☐ Otherwise Restricted Information

F.B.I. — Authority

11-10-75 — Date

T.2.

GENERAL SERVICES ADMINISTRATION

GSA FORM 7117 (2-72)

GPO : 1973 O - 503-659

WITHDRAWAL NOTICE

1/1/ R

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation 845.04413/1-145--123149

Date Aug. 13, 1949

From Dept. of State no. 3156

To Calcutta

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

☒ Security-Classified Information

☐ Otherwise Restricted Information

F.B.I. — Authority

11-10-75 — Date

T12.

GENERAL SERVICES ADMINISTRATION

GSA FORM 7117 (2-72)

GPO : 1973 O - 503-659

WITHDRAWAL NOTICE

1/1/R

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation 845.0441 3/1-145 -- 123,149

Date 10-17-49

From No. 272 Checks drawn on first

To National Bank Boston, Massachusetts

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

☒ Security-Classified Information

☐ Otherwise Restricted Information

F.B.I.
Authority

11-10-75
Date

T 2.

GENERAL SERVICES ADMINISTRATION

GSA FORM 7117 (2-72)

GPO : 1973 O - 503-659

WITHDRAWAL NOTICE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

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AMERICAN EMBASSY

Rec'd Mar 7

NO. 186

New Delhi, India, February 28, 1949

ACTION NEA-enc

SUBJECT: Introduction of the Hindu Code Bill into the Indian Parliament

INFO
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DCR
ITP-enc
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LABOR-enc
SSA-enc

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C.

DIVISION OF SOUTH ASIAN AFFAIRS
MAR 23 1949
Department of State

SIR:

I have the honor to enclose a memorandum of the Social Welfare Attache concerning the introduction of the Hindu Code Bill into the Indian Parliament. There are also enclosed five copies of an article appearing in the Indian News Chronicle of February 25, 1949 entitled "Hindu Code Bill moved in Parliament."

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

Enclosures:

1. Memorandum entitled "Introduction of the Hindu Code Bill into Parliament", February 28, 1949

2. Clipping from Indian News Chronicle, February 25, 1949 entitled "Hindu Code Bill Moved in Parliament".

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EHersey:fv

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ACTION COPY

RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

APR 5 1949

Enclosure No. 1 to Despatch No. 186 dated February 28, 1949 from American Embassy, New Delhi, India, entitled "Introduction of the Hindu Code Bill into the Indian Parliament."

MEMORANDUM

February 28, 1949

SUBJECT: Introduction of the Hindu Code Bill into Parliament

The consideration the Hindu Code Bill is most important for the future of social welfare of India, affecting as it does women's property rights, rules regarding guardianship of children, inheritance rights of women, as well as rules governing marriage and divorce.

Opposition has developed to the changes embodied in the recommendation. The progress of this bill and its final disposition will be reported to the Department.

The attached newspaper clipping outlines the main provisions.

Evelyn Hersey

UNCLASSIFIED

Enclosure No.2 to Despatch No.186 dated February 28,1949 from American Embassy, New Delhi, India, entitled "Introduction of the Hindu Code Bill into the Indian Parliament.

Indian News Chronicle
February 25, 1949

HINDU CODE BILL MOVED IN PARLIAMENT

Ambedkar's Two-hour Speech In Defence

ALL POINTS OF ORDER RULED OUT

NEW DELHI, Thursday.—

The Hindu Code Bill got into stride in the Indian Parliament today after overcoming preliminary objections to the motion for consideration.

The House heard a two-hour speech by the Law Minister, Dr. B. R. Ambedkar, who moved the motion for consideration, and cheered him loudly when he ended by saying. "If you want to maintain the Hindu system, Hindu culture, Hindu society, do not hesitate to repair where repair is necessary. This Bill calls for nothing more than repairing those parts of the Hindu system which have almost become dilapidated".

The Law Minister was followed by Seth Govind Das and Mrs. Sucheta Kripalani, who has been busy in the lobby along with other women members for days now canvassing the port for the measure.

Mrs. Kripalani said that Hindu women would not have pressed for the adoption of the Code if they had not felt that it would benefit not only them but the entire Hindu society.

The galleries were unusually crowded today and a large number of women visitors sat through the whole day's proceedings. The debate on the Bill will be continued tomorrow.

As during the last week Dr. Ambedkar's endeavour to preface his motion with his speech was met by opposition which took the form of number of points of order raised in the House.

The Deputy Speaker, Mr. Anantasayanam Ayyangar, however, ruled out all the points of order and asked Dr. Ambedkar to speak.

No less than 16 amendments to the motion for consideration have been tabled. These amendments falling into various categories, seek (1) to recirculate the Bill for eliciting public opinion; (2) to postpone consideration until a later date; (3) to refer it back to the Select Committee once again; and (4) to circulate it among the acceding Indian States people for the purpose of eliciting their opinion.

The Deputy Speaker announced that after Dr. Ambedkar had moved his motion all these motions would also be moved. Discussion would then continue on all the motions together whereafter they would all be put to vote one after the other.

Every time the Speaker ruled out a point of order, the House cheered him. Dr. Ambedkar was applauded when he ultimately began to deliver his speech.

POINT OF ORDER

House Not Competent To Discuss Bill

Mr. Jaspat Rai Kapoor, who raised the first point of order, said that a number of members of the Constituent Assembly were not attending the session although they would all like to do so.

Mr. Kapoor was obviously referring to the practice whereby members of the Provincial Legislatures or Provincial or State Ministers who are members of the Constituent Assembly do not attend the session of the Constituent Assembly when it sits as the Legislature. This House was therefore not competent to discuss the Hindu Code Bill which affected the people so vitally.

Mr. Kapoor was interrupted by a number of members who called him to order. The Deputy Speaker ruled Mr. Kapoor's point out of order and

said so far as the Chair was concerned every member of the Assembly could come and participate in the proceedings at any time.

Mr. Sarwate, who raised the next point of order, said the Bill had not been circulated among the people of the acceding States which was a new factor since August 15. When the original Bill was circulated in 1947, it was not applicable to the Indian States. But under the covenant which the Rulers had signed last year this would apply to them also.

NOT OBLIGATORY

Dr. Ambedkar, replying to this point of order, said it was not obligatory on Government or the House to circulate every Bill or publicise it before it became law. It was only in special cases when the House by a resolution or Government by executive order decided to do so that such a course was adopted.

Secondly, the operation of the present Bill was deliberately confined to the provinces.

The Deputy Speaker, Mr. Anantasayanam Ayyangar agreeing with Dr. Ambedkar held that Mr. Sarwate had not really raised any point of order (cheers).

When the Deputy Speaker called upon Dr. Ambedkar to proceed with his speech, Mr. Naziruddin Ahmed rose and said he wanted to raise a third point of order. A number of members were heard saying "This is dilatory tactics", and asking Mr. Naziruddin Ahmed to resume his seat. The Deputy Speaker, however, allowed him to proceed.

Mr. Naziruddin Ahmed stated that Dr. Ambedkar had already made his opening speech on the Bill when he moved for its consideration in August 1948, and that he could not again speak while moving the motion. All that he could do was to reply at the end of the debate. The Deputy Speaker, after examining the records, said in August last Dr. Ambedkar had specifically said that he would reserve the right of his speech for a later occasion.

MARRIAGE AND DIVORCE

Ambedkar Refers To Changes Made By Select Committee

Dr. Ambedkar moving consideration of the Bill referred at the outset to the changes the Select Committee had made in the original Bill and dealt firstly with the sections relating to marriage and divorce. The Select Committee, he said, had added two new clauses concerning restitution of conjugal rights and judicial separation. The original draftsmen of the Bill had felt that a reference in the Bill to the Indian Divorce Act of 1860 would be quite sufficient to invoke the two provisions contained in the Indian Divorce Act and consequently it was not necessary to expressly mention those two matters in the Code.

The Select Committee, however, felt that it would be desirable to embody specifically the provisions contained in the Indian Divorce Act relating to those matters. Consequently the part dealing with marriage and divorce had been expanded by the Select Committee by the addition of clauses relating to those matters. The House would see that there was no change as a matter of fact between the original Bill and the Bill as adopted by the Select Committee.

QUESTION OF ADOPTION

With regard to the question of adoption, the Select Committee had said that when a father was disqualified by reason of the fact that he had changed his religion, the mother must be given the right to give the boy in adoption. Again, the disqualification had also been introduced that if a widow ceased to be a Hindu she would lose her right of giving a boy in adoption which she would otherwise have.

Another change that had been made by the Select Committee was with regard to the different modes of taking a boy in adoption. Hitherto there were various forms of adoption. The common form was the "dattaka" form, although other forms were also in vogue by custom. The Select Committee felt that it was desirable not to allow any room for custom to grow because the effect of custom being permitted to continue would be to eat into the Code and nullify it after some time. The Select Committee, therefore, decided that nobody could make any adoption except under the provisions of the Code, namely the "dattaka" form.

ADOPTED SON

Right To Property After Date Of Adoption

Referring to the right of an adopted boy to divest persons in whom property had been invested before the adoption had taken place, Dr. Ambedkar said, under the existing Hindu Law it was permissible for a boy who had been adopted, no matter at what stage he had been adopted, to file a suit to set aside any alienation or any transfer of property made by the widow who adopted him. Any amount of litigation was going on this point. In fact this would probably account for the largest amount of litigation in the country. It was, therefore, desirable that this question should be settled once and for all.

At present an adopted son could completely divest the widow mother adopting him of her property with the result that the entire corpus of the property passed into the hands of the adopted boy, who practically continued his affiliations with the members of his natural family. This resulted in the adopting mother getting no kind of security for herself as a result of adoption which a natural mother would get from her natural son.

The Select Committee felt that this was not a desirable state of affairs from the point of view of giving security to women and made certain changes. The original distinction adopted in the Rao Committee was deleted and provision was made that the rights of the adopted son would accrue to him not from the date of the death of his adopting father but from the date of his adoption so that an alienation that might have been made prior to his adoption would be beyond his right and unchallengeable by him.

A second provision made by the Select Committee was that an adopted son shall not, as a result of adoption, deprive the adopting mother completely of her right to property. The Bill in its altered form said that only one half of the property of the widow would go to the adopted son. The other half, notwithstanding the fact that the widow had adopted him, would continue to be in the possession and enjoyment of the adopting mother.

GUARDIANSHIP

Two Changes Made In Original Bill

Dealing with the question of minority and guardianship, he said that the Committee had made two changes. The power of a Hindu father to act as the natural guardian of his minor son had been taken away if he renounced the world or ceased to be a Hindu. The Committee felt that the Bill being designed to consolidate the Hindus, it was desirable to impose this condition. Secondly, a Hindu widow had been given power to appoint a testamentary guardian if the husband had not nominated one.

As regards succession, Dr. Ambedkar said that the Select Committee had made no alteration at all so far as the compact series of heirs was concerned who are placed under category one by the Rao Committee. The compact series remained as before both in the lineage as well as in the order of heirs. In regard to persons who were included in clauses one to four of the Rao Committee, Dr. Ambedkar said, certain changes had been made both in regard to the line of succession and also the priority of succession.

The Committee had followed both the principles, namely progeny and natural love and affection. The Select Committee had curtailed the number of degrees, the reason being that under the Code, every Hindu was given the right to make a will. The line of criticism that had been levelled against the Rao Committee in this regard was contained in an important journal namely, the Journal of Comparative Legislation. An eminent lawyer had stated that the Bill gave the right to make a will and it was unnecessary to provide such a long list of heirs descending to the fourteenth degree from the deceased.

Dr. Ambedkar drew the attention of the House to the disqualification that the Select Committee had introduced in regard to a widow. A widow on remarriage would lose her right of inheritance.

DAUGHTER'S RIGHTS

Share Of Property To Be Equal To Son's

The Select Committee had made an important alteration in regard to the daughter's right to property. The original Bill had stated that the daughter should get a share equal to half the share of the son. The Select Committee had provided that the daughter's share would be equal to that of the son. As regards the Sridhan, it was felt that to a large extent it came for the husband and it was not proper that he should not be among the other heirs. Consequently the Committee altered the position and brought the husband in line with other heirs to Sridhan.

Dr. Ambedkar repudiated the suggestion that the provisions in the Bill as it had emerged from the Select Committee contained absolutely new provisions relating to joint family. No new change, he said, had been made by the Select Committee. All that the Committee had done was to add two new clauses (88 and 89). These dealt with the doctrine of pious obligation. Their purport was implicit in the Mitakshara doctrine of joint family but had been included expressly at the suggestion of the Patna High Court and the Bombay Bar to avoid litigation.

The Select Committee had made some changes with regard to the application of the Hindu Code. The Rau Committee's Bill contained a provision that the Bill should not extend to areas where the "Marumakkathayam" and "Aliyasanthanam" laws applied.

"Somehow", he said, "the Select Committee in its enthusiasm transcended, if I may say so without any disrespect, the bounds of reasonableness and came to the conclusion that there ought to be no area which was exempted from the operation of the Code. Consequently it deleted that provision. I do not know whether it did so rightly or wrongly, that is a matter of course, which the House will consider at a later stage".

A voice: "Why didn't you dissent?"

Dr. Ambedkar: "I will dissent at a later stage, perhaps I have no empty mind. I have still an open mind" (laughter).

Ordinarily, the Law Minister went on, a speech of the sort which he had made would have not only been appropriate but sufficient for the occasion. "But", he said, it would be futile on my part to disguise the fact that there is a section in the House which feels a certain amount of compunction over certain parts of the Bill.

"Neither can I disguise from myself the fact that outside the House there are very many people who are not only interested in the Bill but deeply concerned about it. I, therefore, think that it is only right if you will permit me to add a few general observations with regard to the points of controversy which I have noticed in several newspapers and which I have been perusing ever since the Bill has been on the anvil".

MAIN POINTS

Freedom Of Marriage And Divorce

He made the following points:

The Bill arrived at a sort of compromise between the new and the old. The Bill says that if any member of the Hindu community wants to follow the orthodox system which requires that a marriage shall not be valid unless the bride and bridegroom belong to the same 'Varna', the same caste or same sub-caste, there is nothing in this Code which can prevent him from giving effect to his wishes or what he regards as his 'dharma'. In the same way, if any Hindu who is a reformist, does not believe in 'varna', caste or sub-caste and chooses to marry a girl outside his 'varna', caste or sub-caste, the law regards his marriage, as valid. Here is, therefore so far as the marriage law is concerned, no kind of imposition at all. The "Vaidikas", the orthodox, are left free to do what they think right according to their 'dharma'. The reformists who do not follow the 'dharma' but follow reason and conscience (laughter and cries of "Hear, hear") have also been left to follow their reason and their conscience.

Mr. Mahavir Tyagi: "Are they permitted to marry outside their religion also if they want to do so?"

Dr. Ambedkar: "We will have an other Bill for it (Laughter). I do not know whether Mr. Tyagi is unmarried. If so, I will hurry up with the Bill" (Loud laughter).

Mr. Tyagi: "I want to make way for others (More laughter).

Dr. Ambedkar said that as a result of the operation of the Hindu Code, there would be a competition between the old and the new. "We hope, he said, "that those who are following the new path will win ultimately (hear, hear and cheers). If they do not, we are quite content to follow two parallel systems of marriage to be operating in this country. There is no violation of 'Shastras' or 'Smriti' at all". Monogamy he said, was not an innovation. Could any member point out that 'Hindu Shastra' at all times gave a Hindu husband an unfettered, unqualified right to polygamy?.

NOT REVOLUTIONARY

Monogamy And Divorce No Innovations

Even today there was in certain parts of South India a section of "Nattukottai Chettiars" who had a custom whereby a husband could not remarry without the consent of his wife. Seconly, he must allot to her certain property which became her absolute property.

Dr. Ambedkar quoted Kautalya's "Arthashastra", which considerably limited the right to marry a second wife. In India itself, legislation had prescribed monogamy as a rule in "Marumakkathayam" and "Aliyasanthanam". Similarly, with regard to recent legislation passed in Bombay, Madras and Baroda, the law enjoined monogamy. The House would therefore, see that Government were not making a very radical or revolutionary change. They had precedent for what they were doing both in the laws that had been passed in the various Provinces and States in India, in the ancient "Shastras" and the precedent of the whole world which recognised monogamy as a most salutary principle so far as marriage was concerned (cheers).

Similarly, the right of divorce was no innovation. Shudras who formed practically 90 per cent of the total population of the Hindus as against the 10 per cent of what were called regenerate classes, had customary divorce. He would ask, "Are you going to have the law of 90 per cent on the people as the general law of this country or are you going to have the law of the 10 per cent of the people imposed upon 90 per cent of them?" (Cheers).

Actually, he could read out extracts from "Shastras" in support of divorce. What had happened in this country was that somehow, unfortunately, custom had been allowed to trample upon the texts of the "Shastras" which were all in favour of the right sort of marital relations. "No new principles have been introduced in the law of marriage and divorce," he said. "Whatever has been done is both just and reasonable, supported by precedent not only of our "Shastras" but by the experience of the world as a whole."

The Code did not make identity of caste a requisite for valid adoption. It followed the same rule that it had followed with regard to marriage. If a Brahmin wanted to adopt a Brahmin boy, he was free to do so. If a Brahmin was so enlightened as not to adopt a boy belonging to his own community (laughter) bue wanted to adopt a Shudra boy, he was also permitted to do so.

Seth Govind Das: "Why is such a Brahmin considered enlightened?" The House roared with laughter as Dr. Ambedkar, a member of the Depressed Classes, replied with a smile, "From my point of view he is certainly enlightened. From your point of view he may be a very dark man. That is a matter of difference of opinion."

Dr. Ambedkar added amidst laughter that he personally did not understand why there should be adoption, as most of them, including himself, had no name to be recorded in history.

As regards the argument that the Code was inconsistent with customary law, Dr. Ambedkar told the House plainly, "If you adopt a Code and at the same time permit custom to grow against the Code, there is no purpose in having a Code at all, because custom can always eat into the Code and make the Code null and void".

Some of the customary adoptions were nothing else but the devising of means to keep property within two families. "In my judgment, "said the Law Minister," since we have passed the Directive Principles in the Constitution that the State should take steps not to allow property to be concentrated in the hands of one or a few, devices whereby two families merely agree to share the property and to keep it with them ought not to be tolerated (Laughter and hear, hear).

COPARCENARY LAW

Present System Has "Elements Of Destruction"

Resuming his speech after lunch, Dr. Ambedkar referred to coparcenary law. The question had been raised as to why the Bill was seeking to abolish coparcenary prescribed by the Mitakshara law. Quoting from the existing coparcenary law, Dr Ambedkar stated that besides the coparcenary property, a coparcener could hold vast individual properties. It would not become the property of the coparcener. There were hundreds of clerks in the Secretariat, some of them drawing over Rs 4,000

A Voice: Do you mean clerks?

Dr Ambedkar: I mean the officers also. After all they are in certain ways glorified clerks. Under the Mitakshara law, the income from learning--which was what these persons were getting -- was their private earning and property. If there was a joint family in the true sense of the word, all this income would go to the joint family for the joint maintenance of that family. When such vast properties had already been made over as private property, what would remain to comprise coparcenary property—really very little, according to his own view.

Again, it had been said that the coparcenary system enabled the Hindus to conserve property and to retain it and to prevent any squander-mania on the part of a member of the family. The question he would like to put was this: Was this true under the existing Mitakshara law? His own submission was 'Certainly not'. For, under the existing law, a coparcenary father had the right to alienate coparcenary property. Except in cases involving immorality, the son had the right to break up the property at any time he liked and the right to create a charge on the property by incurring debts and enabling the creditor to sue for partition. Under these circumstances, could it be called a solid system which was fool-proof? His own submission was that the coparcenary property law, as it stood today, had within itself the elements of destruction.

The Bill was, therefore, doing nothing very radical in stating that the shares shall be held separately by the members in a joint family. As everyone knew, people wanted to live separately these days. Soon after the father died, sons clamoured for partition so that they could live apart. All that the Bill was doing was to give legal recognition to facts as they existed today.

One factor must be recognised—the distinction between a coparcener and the joint family. The Bill while it would do away with coparceners maintained the joint family. The only thing it would do was to put the joint family under the Mitaksharra law on the same footing as the joint family under the Dayabhaga law. The members of the joint family, instead of holding their rights as joint tenants, will hold them as tenants in common. That was the only distinction between the existing Mitakshara law and the future Mitaksharra law which the Bill sought to make.

INHERITANCE

Women Should Have Absolute Property Rights

Stating that the question of "women's property" was a very complicated subject Dr. Ambedkar said that generally speaking it fell into two categories, namely "Stridhan" and "widows" property, or the property inherited from the male member of the family. So far they had two different kinds of inheritance to the two kinds of property. The question they had to consider in codifying the law was whether they should maintain the two principal divisions with a double line of succession or have a uniform law.

The Committee came to the conclusion that if they allowed the present conditions to continue it would defeat the very purpose of codifying the law, and decided that so far as the right to property was concerned, there should be uniformity and that there should be absolute right to property.

Replying to various arguments against uniformity, Dr. Ambedkar said that it had been recognised on all hands that women had absolute right over Stridhan property and nobody had asked for the obliteration of that provision in Mitakashara which related to Stridhan. The Committee had come to the conclusion that if in certain cases women were competent and intelligent to sell and dispose of their property they must be held equally competent and fit in respect of other property. That was why the Committee adopted the rule that women should now possess absolute property right.

DAUGHTER'S STATUS

The other issue that followed was the share of the daughter. The inclusion of the daughter among the heirs was not an innovation which was made by the Committee, he said.

In both systems of Hindu law of inheritance, the daughter was included in the "compact series". There was no innovation in the inclusion of the daughter in the category of the "compact series". The Bill only sought to raise the status of the daughter. Under the Bill she became the simultaneous heir with the son, the widow of the deceased and the widow of the deceased son.

Speaking about the share of the daughter, Dr. Ambedkar said that the Rau Committee had pointed out that the daughter, according to Smrithis, was a simultaneous heir with the son and was entitled to a one-fourth share of the property. Both Manu and Yagnavalkya who ranked the highest among 137 Smritikaras, had stated so but it was a pity that custom had destroyed the efficacy of their text. Further the decision of the Privy Council that custom would over-ride law had rendered improvement of that system impossible.

However, the original Bill had raised the share of the daughter to half and the Select Committee had made her share equal to that of the son. The only innovation, therefore, related to the quantity of the share. He had examined all systems of inheritance in the world and nowhere could he find a system where the daughter was excluded from a share in property.

"DILATORY MOTION"

Naziruddin Ahmed Moves Three Amendments

After the Law Minister had spoken, Mr. Naziruddin Ahmed, amidst interruptions and points of order raised by several members, moved three amendments, suggesting that the Bill be circulated for eliciting public opinion by the end of 1949 or that it be recommitted to the same Select Committee to which it was sent before for a further report.

The Deputy Speaker having decided earlier that no speeches would be allowed when the amendments were being moved, Mr. Naziruddin Ahmed simply moved his amendment.

Mr. B. Das remarked that Mr. Naziruddin Ahmed's motion was a dilatory one.

Mr. Mahabir Tyagi contended that it was the privilege of every member, especially those not in power, to move dilatory motions if they did not like any particular bill or legislation. It was a member's democratic right.

The Law Minister quoted from the Rules of Procedure and said there were two types of motions—one which the Speaker had to put to the House, and the other where the Speaker before deciding to admit it, had to be satisfied that there were substantive and valid grounds for such a motion.

Pandit Thakurdas Bhargava stated that a motion for circulation was not a dilatory motion. Pandit Kunzru supported Mr. Tyagi and said it was clearly the unequivocal right of a member to move any motion he liked. Simply because some members or the majority of them wanted a particular thing, they should not interpret the Rules according to their convenience.

After some more members had spoken on this point of procedure, the Deputy Speaker, Mr. Ananthasayanam Ayyangar, ruled that Mr. Naziruddin Ahmed could move his amendments. He did not want to curtail the powers of the House or of the members.

Mr. Naziruddin Ahmed moved three out of the four amendments standing in his name. Twelve other amendments, more or less of similar import standing in the names of Pandit Thakur Das Bhargava, Master Nand Lal, Pandit Mukut Behari Lal Bhargava, Mr. Himmatsinghka, Mr. Biswanath Das and Mr. Jhunjhunwala, all Congress Party members, were not moved. Some of these members were heard remarking they were 'not in a position to do so'.

"NOT PROPER TIME"

Seth Govind Das said that this was not the proper time to bring the Hindu Code before the House. This measure should have been brought before the House after the Constitution had been passed. A section of the people did not believe in ancient Indian culture and society mainly because they had westernised views. If they wanted to reform Hindu society on western lines, he was afraid India would not remain the India of today.

A Voice: "It will become heaven".

Seth Govind Das said when they had recognised that India was a secular State, he expected the Law Minister to bring forward a better measure which would have benefited one and all. Seth Govind Das neither supported nor opposed the Bill. He agreed that certain clauses in the Bill were admittedly worth adopting but there were others which would be harmful to Hindu society.

Regarding marriage, he did not see any harm if a "Sudra" married a "Brahmin" or a "Mohammadan" married a "Hindu". He was in favour of a "classless" society. He was in favour of the divorce system also.

Seth Govind Dass suggested that women should have "pitri graha",

(right of share in the property of father-in-law) but not in their father's property.

SOCIAL LEGISLATION

"Long-deferred Justice" For Women

Mrs. Sucheta Kripalani said that the Hindu Code sought to give women long-deferred justice. Hindu women would not have pressed for the Code if they did not feel that it benefited not only them but the entire Hindu Society. Thanks to Gandhiji's influence, women in this country did not have to fight for their political rights as women of other countries had to do. She hoped that her "brother-members" of the House would support the measure which would make Hindu society healthy and good. Hindu society was full of defects now and they had to set their house in order. By passing the Code they would not be going against the fundamentals of Hindu religion. While the fundamentals, namely certain spiritual principles—truth, justice, non-violence, etc.—were eternal, law had to change to suit the changing circumstances. The "smritis" themselves had been changed to suit the needs of a particular period. In the past social legislation of great importance, like abolition of "sati" and child marriage, had been accepted by Hindu Society and she did not see any reason why it should not stand what some people described as the "shock" of the Hindu Code.

CONGRESS PLEDGES

There was a whispering propaganda, Mrs. Kripalani said, that the Bill should be postponed till after the next General Election, otherwise the Congress Party would lose votes. Was it worthy of the Congress to put forward such arguments? She asked: "Have we ever considered our popularity before our duty? If we think that the Bill is just, if we consider that the Bill is for the good of the people, then it is our duty to go on with it and not to shelve it till the next General Election".

She recalled past pledges of the Congress, dating back to the Karachi Resolution to establish equality of sexes and said, "Of course, if we make any changes in established customs, there is a certain amount of dislocation and inconvenience; we have to accept that as inevitable".

She failed to understand why there was very great feeling about joint family. Most of the people she came across were anxious to get out of the joint family (hear, hear).

It was true that unprotected women in the past used to get protection from the joint family and even now some of them did benefit. But at the same time hundreds of women had failed to get any shelter in the joint families and had been hounded out to a life of degradation and shame. It was only just that a woman should get her portion of the property.

The Labour Minister, Mr. Jagjivan Ram: "And something more".

Mrs. Kripalani: "So much the better. You denied us a lot in the past. Make it up now (Laughter)".

She thought that the men should welcome the provision enjoining monogamy.

"I think the men should be happy because by this provision we are levelling up the standard of man's morality to that of woman's" (Loud laughter and cheers).

The House adjourned further discussion till tomorrow.—API.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

ACTION
is assigned to

No. 1309

AMERICAN EMBASSY

UNCLASSIFIED

New Delhi, India, November 29, 1948

Subject: Request for Information Regarding Agreement Between India and United States on Execution of Civil Decrees

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON

LEGAL ADVISER
DEC 13 1948
DEPARTMENT OF STATE

DEPARTMENT OF STATE
L/T
DEC 13 1948
TREATY BRANCH
OFFICE OF THE LEGAL ADVISER

SIR:

I have the honor to refer to a letter received from an official in the Ministry of External Affairs and Commonwealth Relations which is quoted below:

"I shall be obliged if you will kindly let us know whether there is an agreement or undertaking between the Government of India and the Government of the United States regarding the execution of civil decrees.

"I am making this enquiry in connection with the case of a gentleman who has a decree in his favor granted in Calcutta by the High Court of Judicature at Fort William in Bengal, against a United States citizen who resides in New York and has his business there."

It would be appreciated if the Department would transmit to the Embassy any information it has on the matter.

Respectfully yours,

Howard Donovan
Charge d'Affaires ad interim

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Original and hectograph to Department

CC: American Consulates General,
Bombay, Calcutta, Madras

UNCLASSIFIED

845.046 11/11-2948
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JAN 8 1949

UNCLASSIFIED

No. 6

To the

Officer in Charge of the American Mission,

New Delhi.

845.046 11/11-2948

The Secretary of State refers to the Embassy's despatch no. 1309 dated November 29, 1948 requesting information which would enable the Embassy to answer an inquiry of an official in the Ministry of External Affairs and Commonwealth Relations regarding the existence of "an agreement or undertaking between the Government of India and the Government of the United States regarding the execution of civil decrees."

There is no treaty or other international agreement between the United States and India on this subject.

In the United States the execution of foreign judgments is a matter for the determination of the courts. For discussions of the attitude taken by the courts in this respect it is suggested that the Embassy consult A Digest of International Law (Washington: Government Printing Office, 1906), by John Bassett Moore, volume II, pages 102 and 103, and Digest of International Law (Washington: Government Printing Office, 1941), by Green Haywood Hackworth, volume II, pages 86-97. The Embassy's attention is also invited to the decision of the Supreme Court of the United States in Hilton v. Guyot (1895) 159 U.S. 113, 163-228, in which there is an extensive review of the opinions of courts and writers in regard to the giving of full faith and credit to judgments rendered in foreign countries.

The Department is not in a position to state with any degree of certainty that the law on this subject is settled, especially in view of the strong dissents by four members of the Supreme Court in Hilton v. Guyot. Moreover, the New York courts have not agreed that recognition of the decisions of courts of foreign countries depends upon reciprocity, as held in that case. (See Johnston v. Compagnie Générale Trans-Atlantique, 242 N.Y. 381, 387, 152 N.E. 121, 123. See also the discussion

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the discussion in Beale's Treatise on the Conflict of Laws, volume 2, pages 1364, 1381, and following, and cases cited therein.)

Among other decisions of the Supreme Court of the United States which are relevant to this matter are the following:

Ritchie v. McMullen (1895), 159 U.S. 235, 240;

Aetna Life Insurance Co. v. Tremblay (1912), 223 U.S. 185, 190; and

Home Insurance Co. v. Dick (1930), 281 U.S. 397, 411.

CR
JAN 7 1949 P.M.

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

~~FRW~~ ACTION is assigned to ~~NEA~~

No. 854

UNCLASSIFIED

AMERICAN EMBASSY

New Delhi, India, July 27, 1948

Subject: Performance of Jury Duty by American Citizens in India.

DIVISION OF SOUTH ASIAN AFFAIRS
AUG 9 1948
Department of State

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that in a letter dated July 22, 1948 the American Consul General at Madras has raised the question of American citizens performing jury duty in India. The specific case involved an American citizen at Madras who had been called for jury duty on August 2, 1948. I have telegraphed the Consul General at Madras stating that the Embassy perceives no reason why American citizens residing in India should not perform jury duty unless they are specifically exempted from such duty by law. So far as the Embassy is aware, there is no provision of Indian law exempting American citizens from jury duty.

Prior to 1939 it was, I believe, the practice in India, at least in Bombay, to exempt American citizens from jury duty. Why the authorities took this position I do not know but I recall that sometime after the outbreak of the war American citizens were for the first time called for jury duty in Bombay. It is my impression that they were called upon only in rare instances and that they served as jurors only occasionally. I also recall that in Hong Kong American citizens served regularly on juries.

The Embassy would appreciate the Department's confirmation of its belief that, in the absence of any provision of law especially exempting them, American citizens may be required by the Government of India authorities to perform jury duty.

Respectfully yours,

Howard Donovan
Charge d'Affaires ad interim

File No. 804
HDonovan:jby
Original and hectograph to Department.
Copy to: American Consulates General, Bombay, Calcutta and Madras.

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JAN 6 1949

In reply refer to
L/P 845.0492/12-2948

The Secretary of State transmits herewith for consideration by the Attorney General a copy of a note dated December 29, 1948 received from the Ambassador of India requesting information regarding the requirements which should be fulfilled in respect to certain legal documents before they are forwarded from India in order that they may be accepted in the courts of justice in the United States. The Ambassador states that the Government of India would appreciate having authoritative information detailing the various formalities which are necessary and required to be completed in accordance with the law of the United States of America before such documents would be acceptable to the judicial tribunals in this country.

The Secretary of State will be pleased to receive information with regard to this subject for use in replying to the request received from the Ambassador of India.

DCR NE Unit

Re

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[redacted] of note from Ambassador of India dated December 29, 1948.

[redacted]:ejh

845.0492/12-2948

CS/A

The Secretary of State presents his compliments to his Excellency the Ambassador of India and has the honor to acknowledge the receipt of his note dated December 29, 1948, requesting information regarding the formalities required with respect to legal documents prepared in India to make them acceptable in the Courts of Justice in the United States (file F.1194/48).

The Secretary of State has brought this request to the attention of the appropriate authority of this Government, and upon the receipt of a reply a further communication will be addressed to the Ambassador in regard to it.

845.0492/12-2948

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Department of State,

Washington, January 6, 1949.

JAN 6 1949 P.M.

845.0492/12-2948

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1/4/49

The Secretary of State presents his compliments to His Excellency the Ambassador of India and has the honor to refer to the Ambassador's note dated December 29, 1948, requesting information concerning the requirements which should be fulfilled in order that certain legal documents executed in India may be accepted in the courts of the United States.

The Secretary of State transmits herewith a memorandum prepared in the Department of Justice containing the information desired by the Ambassador with respect to this matter.

Enclosure:

Memorandum.

Department of State,

Washington,

March 17, 1949.

MAR 17 1949 P.M.

845.0492/3-949

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JAN 27 1949

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LEGAL ADVISER
Action Completed - Note to Secretariat
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DEPARTMENT OF STATE file

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Dated Washington, D.C.
the 29th December, 1943.

F.1194/48

cc/NEA

ASSISTANT SOLICITOR GENERAL

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LEGAL ADVISER
Note to Ambassador of India
MAR 14 1949 3/16 WRV
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DEPARTMENT OF STATE

Department of Justice
Washington

Jack B. Tate, Esq.
Acting Legal Adviser
Department of State
Washington, D. C.

Dear Mr. Tate:

This is in reply to the State Department's note of January 6, 1949, to the Attorney General, transmitting a copy of a note dated December 29, 1948, from the Ambassador of India, wherein he requests to be advised concerning the requirements which should be fulfilled in order that certain legal documents executed in India may be accepted in courts in the United States.

There is attached hereto a memorandum on this subject which has been prepared in this Department and which has my approval. I trust that the memorandum will enable you to reply to the Ambassador's request.

Sincerely yours,

George T. Washington,
Assistant Solicitor General

FILED
MAR 14 1949
DEPARTMENT OF STATE

29408

845.0492/3-949

MEMORANDUM

Re: Requirements to be fulfilled in order that legal documents executed in India may be accepted in courts of the United States.

By note of December 29, 1948, the Ambassador of India has requested the Secretary of State to advise him concerning the requirements which should be fulfilled in order that certain legal documents executed in India may be accepted in courts in the United States.

The proceedings in connection with which the documents referred to by the Ambassador would be required are matters which might arise in the courts of any of the forty-eight states or in the Federal courts. There is, therefore, no one procedure which would invariably satisfy the requirements prevailing in all American courts. The requirements in the Federal courts depend, of course, upon Federal law; the requirements in the State courts, upon the laws of the particular state involved. Moreover, the requirements vary not only from state to state, but in some states different provisions govern the admissibility of different types of public documents and records for different types of proceedings. In many jurisdictions, the subject is covered only partially by statute, and often it is necessary, in addition, to consult judicial decisions. In view of these considerations, it is not feasible to attempt to answer the Ambassador's question except with respect to proceedings in the Federal courts. A discussion and analysis of the various statutes and judicially established rules prevailing in the various American jurisdictions are, however, set forth in Professor Wigmore's treatise on Evidence. See vol. V, 3d ed. 1940, ch. LVI, especially section 1680.

In the Federal courts, the subject is governed by the provisions of section1741 of Title 28 of the United States Code which reads as follows:

> "A copy of any foreign document of record or on file in a public office of a foreign country or political subdivision thereof, certified by the lawful custodian thereof, shall be admissible in evidence when authenticated by a certificate of a consular officer of the United States resident in such foreign country, under the seal of his office, that the copy has been certified by the lawful custodian."

See also Rule 44(a) of the Federal Rules of Civil Procedure.

While there is no requirement that the certificate of the lawful custodian take a particular form, it is desirable that it include (1) the name and office of the certifying official, (2) a statement that said official is the lawful custodian of the original of the document or record in question, and (3) a statement that the certifying official has compared the copy with

the original in his custody and that it is a true and correct transcript of the whole of the original or of an explicitly designated portion thereof. The certificate must, of course, be signed, and if the certifying official has a seal of office, it is desirable that the certificate bear his seal. After execution of the certificate by the appropriate official of the Indian Government, the document should be presented to a consular official of the United States for execution of the certificate required of him.

DIVISION OF
PROTECTIVE SERVICES
4-13-49 Noted
APR 13 1949
DS. R Tolliver
DEPARTMENT OF STATE

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DIVISION OF SOUTH ASIAN AFFAIRS
APR 13 1949
Department of State

LEGAL ADVISER
Reply drafted 3/22
APR 21 1949
DEPARTMENT OF STATE

F.1194/49

845.0492/3-1749

The Ambassador of India presents his compliments to the Secretary of State and with reference to his note of 29th December, 1948, seeking information on the formalities to be complied with in respect to legal documents prepared in India to make them acceptable to the judicial authorities in the United States has the honour to request for advice of information that may have been received from the appropriate authorities of the Government of the United States to which the matter was referred.

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EMBASSY OF INDIA
WASHINGTON, D.C.

Dated Washington, D.C.
the 17th March, 1949.

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The Secretary of State presents his compliments to His Excellency the Ambassador of India and has the honor to acknowledge the receipt of his note dated March 17, 1949 (No. F.1194/49) requesting information on the formalities to be complied with in respect to documents prepared in India to make them acceptable to the judicial authorities in the United States.

The Secretary of State refers to his note dated March 17, 1949, transmitting a memorandum received from the Department of Justice containing the information desired by the Ambassador in regard to this matter.

Department of State,

Washington, March 21, 1949.

845.0492/3-1749

MAR 23 1949 P.M. to SOA

MAR 25 1949

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MAR 25 1949

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NO. 15

001529

AMERICAN CONSULATE GENERAL

Bombay, India, March 3, 1947

DEPARTMENT OF STATE RECEIVED MAR 25 1947 OFFICE OF INTELLIGENCE COLLECTION AND DISSEMINATION

UNCLASSIFIED

SUBJECT: Proposed Legislation in Bombay for Maintenance of Public Order.

1—1055

845.10/3-347

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to my despatch no.3329 of February 6, 1947 entitled "Proclamation of Ordinance by Bombay Government Expediting Trials of Riot Cases and Imposing Death Penalty for Attempted Murder", and to enclose the text of an article from the Times of India of February 28, 1947 describing a bill to be introduced during the current Bombay Assembly session to ensure public security.

Because of the continued disturbances of public tranquility, the Government of Bombay has renewed the proclamation of emergency in Greater Bombay and Ahmedabad city for a further period of one month from February 28, 1947. In the previous despatch referred to there is described an ordinance which authorized the appointment of special courts to try riot cases. On February 27 Mr. Justice Weston in charge of such a special court sentenced one Mahomed Nazir Abdul Majid to ten years of rigorous imprisonment for attempting on October 20, 1946, to murder a man by stabbing him in the back from behind.

The Security Measures Ordinance and the Criminal Law (Bombay Amendment) Ordinance which recently came into effect were inaugurated while the Legislature was not in session. According to the constitution they expire six weeks after the meeting of the Legislature which has quite recently convened. A new bill entitled the Bombay Public Security Measures Bill, 1947, published on February 27, is to be introduced in the current Assembly session. It will replace the two emergency ordinances and will give the Government comprehensive powers to deal with any form of subversive activities

INTELLIGENCE DIVISION RECEIVED MAR 31 1947
DEPARTMENT OF STATE MAR 19 1947 DCI INTELLIGENCE OFFICE
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UNCLASSIFIED

activities which involve the use or preaching of violence. This bill is similar to ordinances and acts which have been passed in Madras, Bengal, Punjab and the Central Provinces.

It is the intention of the Government if the bill is passed into law that it should come into effect only when the Government applies by notification its particular provisions to particular areas of the provinces when they are required. It is not anticipated by the Government that it will be necessary to maintain this measure on the statute book longer than two or three years.

The Times of India in commenting editorially upon the proposed bill in its issue of March 1, 1947, states that the bill will contain even wider powers than those in the Ordinances in order to enable the authorities to face "a possible unsettled period before political conditions are finally stabilised in fulfilment of the British Government's recent declaration of policy". Copies of the editorial are enclosed.

A further measure to discourage public disturbances was the passage on February 28, 1947 in the Bombay Legislative Assembly of the bill reenacting the Bombay (Emergency Powers) Whipping Act and amending the law relating to the punishment of whipping in the past. This Act originally promulgated by the Governor is expected to have a deterrent effect on the goonda element.

The Government of Bombay is also trying to put an end to dangerous rumors. On Saturday, March 1, it announced through the Director of Publicity that on account of the threat to public tranquility of current rumor-mongering, the Commissioner of Police had issued a warning that anyone found or suspected of spreading rumors was liable to be detained in custody for an indefinite period as an undesirable character under the Bombay City Police Act.

Respectfully yours,

John J. Macdonald
American Consul General

Enclosures:

1. Article, Times of India, February 28, 1947, in quintuplicate.
2. Editorial, Times of India, March 1, 1947, in quintuplicate

File No.

UNCLASSIFIED

AIR MAIL Despatch no. 15
Bombay, India, March 3, 1947

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J.V. MARTIN, JR.:os

Original and hectograph to the Department

Copies to:

American Embassy, New Delhi
American Embassy, London

UNCLASSIFIED

Enclosure no. 2 to despatch no. 15 of March 3, 1947 from John J. Macdonald, American Consul General, Bombay, India, entitled "Proposed Legislation in Bombay for Maintenance of Public Order".

TIMES OF INDIA

March 1, 1947

Combating Disorder

IN introducing a Bill to give legislative effect to recent Ordinances, the Bombay Ministry is following the example of other provinces.

The proposed Bill embodies powers contained in two ecent Ordinances—the Security Measures Ordinance and the Criminal Law (Bombay amendment) Ordinance—which were promulgated to deal with communal trouble and other forms of violence. The Bill will contain even wider powers than those in the Ordinances in order to enable the authorities to face "a possible unsettled period before political conditions are finally stabilised in fulfilment of the British Government's recent declaration of policy."

Some people may think that the Bombay Government are taking an unnecessarily gloomy view of the situation, but they are doing no more than arming themselves with powers already in existence in Bengal, Madras, the Punjab and other provinces. All one can hope is that it will not be necessary to use these powers.

March 3, 1947, from John J. Macdonald, American Consul General, Bombay, India, entitled "Proposed Legislation in Bombay for Maintenance of Public Order".

TIMES OF INDIA

February 28,1947

BOMBAY STEPS TO DEAL WITH SUBVERSIVE ACTS

Bill To Be Introduced In Current Assembly Session

CERTAIN special measures to deal with subversive activities, which involve the use, or preaching, of violence are provided in a Bill, entitled the Bombay Public Security Measures Bill, 1947, published on Thursday.

The main consideration which has prompted Government to sponsor the Bill is the necessity to be prepared for a possible unsettled period before the political conditions are finally stabilised in fulfilment of the British Government's recent declaration of policy.

This measure is proposed to be placed before the current session of the Bombay Legislature.

A Government statement on the subject says:—

"Many of the provisions of the Bill exist in the two Ordinances passed by this Government when the legislature was not in session. These two Ordinances, the Security Measures Ordinance and the Criminal Law (Bombay amendment) Ordinance, were passed to deal with communal trouble. In recent months, other forms of violent movements have also started in this province. The probability is that, unless stringent action is taken by Government the propagation and practice of violence for the attainment of political and economic ends will increase.

The new measure, therefore, replaces the two ordinances which, according to the constitution, expire six weeks after the meeting of the legislature, and also takes comprehensive powers for Government to deal with any form of subversive activity.

"The Bill is very similar to ordinances and acts which have been passed in Madras, Bengal, the Punjab and the Central Provinces. Government have lately been blamed in certain quarters for taking slow action to assume wide enough powers to deal with the menace of communal riots. Government, therefore, in view of the troubled times which probably lie ahead, feel it necessary to take very wide powers to deal with all dangers to the public peace which may arise. It is not the intention, if the Bill is passed into law, that it should come into force automatically over the whole province. It is proposed that particular provisions should apply by notification of Government in particular areas of the province only when they are required.

"Government wish to give an assurance that they intend to use the special powers sought to be obtained under this Bill, if it is passed into law, only against those who indulge in or incite to violence.

"Nor is it the intention of Government to retain this measure on the statute book longer than is necessary, which is not likely to be more than two or three years."

file DC/R

DEPARTMENT OF STATE

SPECIAL DIVISION of
Protective Services

MEMORANDUM FOR THE FILES

September 16, 1947

845.10/9-1647

Charles Derry, on his way from Sydney, Australia, to take a new post as Consul General at Calcutta, came to see me last night with Mrs. Blessing. He was fairly optimistic as to the civil disturbances in India but stressed the similarity between the anarchic conditions now and those at the time that the British moved into India during the Seventeenth Century.

Food is the problem. He referred to the famine in Bengal in 1943 when 2,000,000 persons died. The coming famine he thinks will be much greater.

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No. 201

AMERICAN CONSULATE GENERAL

Bombay, India, March 31, 1948

RESTRICTED

Department of State

SUBJECT: New Measures for Public Security in Bombay Proposed.

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that the Home Minister of Bombay has introduced a bill to amend and strengthen the Bombay Public Security Measures Act of 1947, and to enclose copies of an article from the Times of India of March 30, 1948 outlining the Home Minister's defense of the new measure.

Mr. Morarji DESAI, in introducing the amending bill in the Legislative Assembly stated that the abnormal conditions prevailing in the Province at present had necessitated the tightening of the provisions of the Public Security Measures Act. The proposed amendments would bring the existing legislation in line with that of the other provinces.

The new measure would permit the arresting of persons without warrants in the preliminary stage. Such persons might be detained for fifteen days without warrant. Moreover, the Government would not be obliged to furnish a detained person with the reason for his detention. Finally, the life of the Act would be extended from two years to three years. In this connection Mr. Desai said, "There is no hope in my mind that abnormal conditions will end by the end of March next year, when the life of the present Act expires. Anyway, the indications are not such as to make one hopeful in this matter".

Mr. Desai made it clear that the provisions of the amending legislation were meant to be used not only against people who sought to disturb the peace, as they did after the death of Gandhi, but also those who carried on propaganda, openly or in a subtle manner, with a view to bringing about a social or political change or for fomenting a communal or class disturbance. Peaceful change was permissible, but if change was sought to be brought about by preaching violence it had to be checked. There is no question but that the Home Minister had the Communists principally in mind when he introduced

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introduced these stringent provisions.

The new bill also has provisions designed to restrain and regulate newspapers and periodicals. At present the Government takes from the papers securities which they forfeit if they violate censorship regulations. In this manner confirmed violators are kept in business only by loyal contributors. The new provision prohibits entirely the publication of any paper that fails to show a profit. The People's Age will not be particularly happy about this provision.

At the first reading of the bill it was opposed by two Muslim members of the Legislative Assembly.

Further developments concerning this bill will be reported.

Respectfully yours,

John J. Macdonald

John J. Macdonald
American Consul General

Enclosure:

Article from the Times of India, Bombay, March 30, 1948, (in quintuplicate).

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J VMartin/df

Original and hectograph to the Department.

Copies to:

American Embassy, New Delhi.
American Embassy, London.
American Embassy, Moscow.

UNCLASSIFIED

Enclosure to Despatch no. 201 dated March 31, 1948 from John J. Macdonald, American Consul General, Bombay, India, entitled "New Measures for Public Security in Bombay Proposed".

TIMES OF INDIA, Bombay, March 30, 1948

OBJECT OF BOMBAY SECURITY BILL

"Prevention Of Anarchic Conditions"

HOME MINISTER DEFENDS MEASURE IN ASSEMBLY

MOVING the first reading of the Bill to amend the Bombay Public Security Measures Act of 1947 so as to make it more drastic, Mr. Morarji Desai, Home Minister, said in the Bombay Legislative Assembly on Monday, that the Bill was based on truth and the sole consideration behind it was to serve the people.

The Home Minister assured the House that it was not the intention of Government to use the powers which would be conferred upon them by the legislation to suppress those who differed from Government, provided their differences were given expression to in a peaceful and legitimate manner.

Neither was the measure designed to perpetuate the present Government, as had been alleged. The only consideration which actuated Government to bring forward the Bill was to preserve peace and order in the Province.

Mr. Morarji Desai said that the abnormal conditions prevailing in the Province at present had necessitated the tightening of the provisions of the Public Security Measures Act.

Last year, when Government came forward with the legislation, they had hoped that conditions may not arise which might require the measure to be supplemented further, although they had been advised then that the measure ought to have been stronger than it is actually.

Other provinces, while bringing forward security legislation, had embodied measures which were now sought to be incorporated in the Act by the amending Bill. However, the Bombay Government thought that it would be possible to meet the situation with the powers contained in the Public Security Measures Act as it was at present. But experience had shown that the circumstances which had warranted the enactment of the measure had not altered materially and the Province was still in a disturbed state. And one did not know when such a disturbed condition would end.

PREVENTIVE ACTION

It was necessary for Government to have powers to meet all extraordinary situations by taking effective preventive action against people whose activities were a danger to [illegible] the Public Sec-

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PREVENTIVE ACTION

It was necessary for Government to have powers to meet all extraordinary situations by taking effective preventive action against people whose activities were a danger to public safety. Under the Public Security Measures Act, as it stood at present, Government could take action against people who were actually acting in a way prejudicial to public safety. This had left to difficult situations at times. If effective preventive action was to be taken, Government ought to have powers to take preventive action against people whose activities ordinarily were such as to endanger public safety and who were likely to endanger public safety and peace. In order that Government could act effectively on occasions when public safety and peace were threatened, it had become necessary to amend the present Act.

PRESENT DIFFICULTIES

Under the present Act, there was no provision for arresting persons without warrants in the preliminary stage. It had, therefore, become very difficult to take effective preventive action, because before a person could be arrested, an order should be passed recording that the officer or Government were satisfied that it was necessary to arrest the person. The difficulty, Mr. Morarji Desai said, was very forcefully brought home to him on Sunday evening, when he was in Godhra, where certain persons whose activities warranted their arrest, could not be arrested. Officers entrusted with the work of maintaining public safety and peace, therefore, found it difficult to restrain disturbing elements.

Mr. Desai said he wanted to make it clear that the provisions of the amending legislation were meant to be used not only against people who sought to disturb the peace but also those who carried on propaganda, openly or in a subtle manner, with a view to inciting people to violence for bringing about a social or political change or for fomenting a communal or class disturbances. The pro-

ENSURING SWIFT ACTION TO MEET EMERGENCY

Bombay Security Bill's Aim

(*Continued from page* 1)

visions in the amending legislation were not intended to be used against peaceful propaganda based on the principle that any person could live his own life, because no democratic Government could object to persons trying to bring about a peaceful change in society, either socially or politically. But, if such a change was sought to be brought about by preaching violence, it had to be checked.

Government had seen that persons who wanted to disrupt society acted in a very subtle and clever manner and tried to take advantage of every loophole in the legislation as it existed today. Such persons might be communalists, or they might be people who wanted to foment class hatred or they might be people who wanted to create violent disturbances, so that when the disturbances did take place they could resort to crimes. In the course of last year, he had found that it was very difficult to take action in time, and action could be taken only when peace was actually restored. The situation at present was so explosive that if it was allowed to develop—and it was bound to develop in the present circumstances—people might have to pay a heavy price. The happenings in Godhra were an indication of the present times.

ARREST WITHOUT WARRANT

Provision In Bill

Mr. Morarji Desai pointed out that under the amending legislation a person could be arrested without a warrant and detained only for a period of 15 days. For further detention, an order from the District Magistrate or a person authorised by Government in that regard was necessary.

Mr. Morarji Desai assured the House that it was not the intention of Government to utilise or allow to be utilised the powers which might be conferred upon them by the amending Bill in a light manner or without justification.

Explaining the provisions of an amending section which does not make it obligatory on Government to furnish a detained person with the reason for his detention, Mr. Morarji Desai said that it had been brought forward, because Government found that whenever disturbances on a large-scale took place, as it happened after the assassination of Mahatma Gandhi, it was impossible to act under the provisions of the existing legislation.

The happenings that took place in Satara and Belgaum districts and the neighbouring States were [illegible] required prompt action on were not guilty of such disruptive propaganda.

Under the present law, Government took securities from papers. But it had been found that securities were made up three or four times by papers from people who fell an easy prey to slogans of hatred which were raised by the papers. The powers of restraint under the present Act could be used only to a limited degree and Government could not check that class of papers which had been responsible for persistent malignant propaganda resulting in a disturbed state of society.

Provision had been made to prohibit entirely the publication of any paper, which would result in that paper losing money. That and that alone would make the papers realise that they could not break the law with impunity.

PRESS ADVISORY BODY

Mr. Desai referred to the Press Advisory Committee, which was composed entirely of representatives chosen by the newspapers themselves, except its Chairman, who was the Secretary to the Home Department. The convention that the Committee should be consulted whenever action was to be taken against any paper, had been observed scrupulously. Even when Government felt that it ought to depart from the advice of the Committee, they had not done so, in spite of the fact that the Committee's advice gave a certain amount of latitude to Government so far as action was concerned. Government proposed to observe the convention as far as possible even in future.

The Home Minister assured the House that Government had absolutely no intention of using the present legislation against people who differed from Government politically, but he had to state categorically it would be used against those who created communal or class hatred or those who made persistent propaganda based on untruth and misrepresentation so that anarchy might result. But it would not be used in regard to defamatory allegations against Ministers individually, because in such cases the Ministers concerned could go to a court of law and get legal redress. He hoped that Government would not be constrained to use the powers on a large-scale.

The Home Minister assured the House that the section which is designed to compel newspapers to publish matter in such manner as may be specified by Government would not be used by Government for propaganda purposes, but only for the purpose of refuting or contradicting baseless allegations.

MEMBER OPPOSES BILL

Mr. J. H. Shamshuddin (Kanara District—Muhammadan), opposing said that when last year the Public Security Measures Bill was being discussed Government had assured that it would not be used indiscriminately. But the actual working of the measure was not in keeping with the spirit of those assurances. Under the present amending Bill, a police officer could lock up any person with- [illegible] which was

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The happenings that took place in Satara and Belgaum districts and the neighbouring States were such as required prompt action on the part of Government officers. But it had been found that the provisions of the present Act, prevented Government from taking effective action with promptness and the action that was taken could be circumvented.

It had been seen that after Government took action against those who were connected with the assassination of Mahatma Gandhi and for whose arrest there was an incessant public demand, most of the persons concerned were able to get themselves released by taking advantage of the loopholes in the present Act. And Government had been criticised for such ineffectual action by the public. It was, therefore, necessary to remove that difficuty if Government were to meet the dangers ahead successfully. It was impossible to predict what would happen in the future as much as it was impossible to foresee what had actually happened. Therefore, it was imperative for Government to be entrusted with powers which enabled them to act swiftly whenever an occasion demanded swift action.

Explaining the provision for extending the life of the Act to three years instead of two as at present, Mr. Morarji Desai said, "There is no hope in my mind that abnormal conditions will end by the end of March next year, when the life of the present Act expires. Anyway, the indications are not such as to make one hopeful in this matter."

Mr. Morarji Desai referred to the provisions designed to restrain and regulate newspapers and periodicals, and said the provision was intended to be used against those sections of the press which were persistently propagating and encouraging disturbances and anarchy and who were trying to weaken Government in various other subtle ways. Government had found that the existing powers were not sufficient to check newspapers. There were, however, many sections of the press which ed scrupulously. Even when Government felt that it ought to depart from the advice of the Committee, they had not done so, in spite of the fact that the Committee's advice gave a certain amount of latitude to Government so far as action was concerned. Government proposed to observe the convention as far as possible even in future.

The Home Minister assured the House that Government had absolutely no intention of using the present legislation against people who differed from Government politically, but he had to state categorically it would be used against those who created communal or class hatred or those who made persistent propaganda based on untruth and misrepresentation so that anarchy might result. But it would not be used in regard to defamatory allegations against Ministers individually, because in such cases the Ministers concerned could go to a court of law and get legal redress. He hoped that Government would not be constrained to use the powers on a large-scale.

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Taking strong objection to the provision which made it optional on the part of Government to assign any reason for detention, Mr. Shamshuddin said that the only inference that could be drawn was that hitherto, under the present Act, many police officers could not substantiate the grounds for detaining persons. The provision virtually meant that a detenu was deprived of the right of appeal.

Mr. M. M. A. Bhaiji (Kolaba—Muhammadan) said that the Bill was against all canons of the liberty of person and of expression, and it was likely to be against all canons of justice. Government, by introducing the measure, were taking upon themselves the role of prosecutor, judge and hangman. He, however, was for controlling the press, because many sections of the press had reduced the dissemination of news and information to fiction writing.

Discussion on the Bill was proceeding when the House rose for the day.

NO. 219

DIVISION OF SOUTH ASIAN
APR 19 1948
Department of State

AMERICAN CONSULATE GENERAL

Bombay, India, April 5, 1948

RESTRICTED

SUBJECT: Security Bill Passed in Bombay Assembly: Potentially a Wedge of Oppression.
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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to my despatch no. 201 of March 31, 1948 entitled "New Measures for Public Security in Bombay Proposed", and to report that the Bill proposed by the Home Minister has passed the Legislative Assembly with only a slight modification as regards its provisions, giving the Government power over the press.

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SUMMARY: On March 31 the Bill to put more teeth into the Bombay Security Measures Act, 1947 was passed. The clause regarding press censorship as finally amended gives the Provincial Government power to force newspapers to print such corrections of previous news as the Government shall direct. The resolution is directed primarily against the Communists, but is also intended as a check against Communal disorder. It is generally approved by the public, but the Socialists and Servants of India Society oppose the new measures for fear they may be used to stifle legitimate political opposition to the Congress Party, and editors look askance at the censorship clause.

There are enclosed copies of a news item from the Times of India on April 1, 1948 entitled "Security Bill Passed in Bombay Assembly". The article states that the Bill to amend the Bombay Public Security Measures Act of 1947 so as to make it more stringent was passed by the Assembly on March 31, one clause only having been amended. That clause prior to amendment gave the Provincial Government power to compel newspapers or periodicals to publish anything it might specify. As modified the clause states that only such matter relating to or arising out of matter previously published by a newspaper or periodical shall be published if required by the Government. The modification developed from an assurance given by Mr. Morarji DESAI, the Home Minister, that the original clause would not be used by the Government for propaganda purposes, but only for getting

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getting contradictions, refutations or correct statements of facts published.

The article reports the Home Minister as stating that apart from the virulent opposition of Mr. Dange to the proposed security measures, the opposition of other members to the new Bill was not as strong as it had been to the original Public Security Measures Act, 1947.

With regard to the press clause, Mr. Desai pointed out that the Press Advisory Committee had advised the Government to take more powers because the existing powers fell short. The Committee felt that unless greater powers were adopted peace might be lost forever in the province. This peace, he stated, was endangered by the Communists. Dange had been preaching "the poison of hatred", Mr. Desai denying Dange's right so to preach. He regarded the adoption of such powers by the Government as a necessity but stated that there was a difference between the powers taken by a foreign government (Great Britain) and the powers conferred upon the government of a people. He admitted that the new measures would bring some unpopularity to the Congress Party.

Public opinion appears to be pretty largely with the Government, but fear has been expressed as to the efficacy of dealing with Communists by repressive measures rather than removing the basis of Communists' appeal to the people. And there has been some outspoken opposition. The crisis between Soviet Communism and Western Democracy comes at the same time that the provinces of India are taking direct action against the Communist Party in India. The National Standard on March 29 had an editorial entitled "Communist Menace". Communism was advancing strongly in Eastern Europe, but even in Asia "the Communist menace is apreading like wild fire". The stronghold of Communism in India is in the South, according to the editorial, which also points out that the estrangement between Hyderabad and the Indian Union is welcomed by the Communists as a God-send for imposing a reign of terror in the State. In Andhra, the Communists have penetrated surreptitiously into some of the important labor organizations and in Bombay the situation is no better. It is, therefore, the editorial declares, mere wishful thinking to believe that Communism is as yet a negligible force in India. The Communists, the editorial goes on, have clearly been fashioning their behaviour in India upon developments in Europe and elsewhere. This the editorial deplores, saying it is dangerous for the Communists in the country to ignore the national interests in their blind adoration of the Marxist utopia. In this connection, the editorial condemns Mr. Dange for his lack of patriotism. Concluding, the editorial states that India cannot allow the menace to grow. Whereas Bengal has acted just in time to ban the Communist Party, "we have no doubt that suitable action will be taken in other provinces", but in the belief of the editorial punitive legislation will not stem the tide of Communism which exercises an irresistible fascination on idle brains and empty stomachs. "It is for the Government and the employers

to consider as to how best they can bring cheer and hope to the dreary lives of India's millions".

In another editorial on March 31, 1948, the National Standard conceded that the proposed public security measures might be justifiable, but stoutly denied that they were necessary - particularly the stringent press control. Most newspapers were conducting themselves in an exemplary manner and the rest could be amply punished under existing legislation. The incautious use of the new Bill "may adversely affect fair and free comment".

The Free Press Journal of March 31, 1948 in an editorial entitled "Be Warned?" strongly supports the amendment just passed by the Assembly to the Bombay Security Measures Act of 1947. The Free Press Journal has no doubt but that the measure has been directed against the Communists. Of the Communists it states "As long as Communism stood for the consolidation of Democracy and through that consolidation of the welfare and well being of the Indian people, it had a right to our most earnest and sympathetic consideration. Today, however, our Communists, bitten by the power bug, are following a destructive and disruptive path which leads only to more violence and more chaos. . . . At the present juncture, there is no question but that India cannot support or tolerate a capture of power or an attempt to capture power, either in an individual Province or at the Centre". The workers and peasants have a right to better living conditions, but they have no right, the editorial states, to reduce a country already bleeding from too much violence, to a state of collapse and total degeneration.

The Times of India in an editorial on March 31 entitled "Liberty Vs. Security" points out that one of the serious yet incurable problems of democracy is the traditional clash between individual liberty and the security of the State. On the basis of the belief that the Indian citizenry is not yet fully mature and that the times are critical, the Times of India feels that the Government is acting "under the compulsion of events, and it may be hoped, in the ultimate interests of the State". If the new measures are carried out, as Mr. Morarji Desai claims they will be, with discretion and reserve, "the Home Ministry will be assured of the discriminating support of the responsible press".

The Hitavada, Nagpur, on April 1 printed an editorial entitled "Public Safety" in which the Congress Party was excoriated for taking advantage of circumstances to forge a dangerous political weapon. The Hitavada presumes that the amending Bill is intended to curtail the powers of the High Court and tamper with the right of habeas corpus. "The curtailment of civil liberties is a form of violence; the detention of persons without trial is another form of violence; the arrest of persons on merest suspicion without even warrants is violence against truth." People will not have the freedom to preach political or economic or social doctrines which run counter to the Congress policy, the editorial states, and the Act will be misused to perpetuate the present Government. The editor concludes "There is every fear and real danger that the Congress Governments (in the several provinces) will be tempted to use these extraordinary powers against their political opponents at the time of the next general elections".

The Socialist

The Socialist Party is strongly opposed to the Bill. On March 31 at a meeting called in protest against the new measures Mr. Asoka Mehta said that the Socialist Party would fight to amend the Act by all constitutional means and, if necessary, with the weapon of Satyagraha. Mr. Purushottamdas Trikamdas declared that if Congress was not satisfied with the operation of the measures it might abolish the High Court itself. Mr. R.K. Karanjia, editor of Blitz, also spoke at the meeting calling the measures "naked fascism worse than even Hitler's and Mussolini's", and he declared that the press could fight the measures by blacking out all Government activities.

If wisely used and not renewed upon their expiration in March 1950, the new repressive powers of the Government may prove to be extremely beneficial, but it is notorious that powers achieved in peace time are rarely surrendered by a government, particularly when there exists the possibility of strong opposition. It is, therefore, quite conceivable that the measures adopted by Bombay Province and other provinces for the suppression of the disruptive Communist opposition might be abused if the Congress Party should feel its power to be slipping.

Copies of the Act will be transmitted when they become available.

Respectfully yours,

James V. Martin, Jr.
American Vice Consul

Enclosure:
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News item from the Times of India, April 1, 1948,
(in quintuplicate).

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J VMartin/df

Original and hectograph to the Department.

Copies to:

American Embassy, New Delhi.
American Embassy, London.
American Embassy, Moscow.

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Enclosure to Despatch no. 219 dated April 5, 1948
from James V. Martin, Jr., American Vice Consul,
Bombay, India, entitled "Security Bill Passed
in Bombay Assembly: Potentially a Wedge of Oppression".

TIMES OF INDIA, Bombay, April 1, 1948

SECURITY BILL PASSED IN BOMBAY ASSEMBLY

Press Clause Amended: Home Minister's Defence

THE Bombay Legislative Assembly on Wednesday passed the Home Minister's Bill to amend the Bombay Public Security Measures Act of 1947 so as to make it more stringent, after one of the clauses of the Bill dealing with the regulation of newspapers had been amended.

According to the clause which was amended, the Provincial Government may compel any newspaper or periodical to publish any matter in such manner as may be specified by Government.

As amended, the clause states that only such matter relating to or arising out of matter previously published by a newspaper or periodical shall be published if required by Government.

The amendment is the outcome of an assurance given by Mr. Morarji Desai, while moving the first reading of the Bill, that the clause would not be used by Government for propaganda purposes, but only for getting contradictions, refutations or correct statements of facts published.

"SAFEGUARDING FREEDOM"

In the course of his reply to the debate on the Bill, the Home Minister said: "If we find that there is violence in the air and that civil liberty is deteriorating into criminal liberty and that the new-won freedom of our country is in danger, we cannot think of our popularity or unpopularity and of mere paper principles, but have to devise all legal measures in order to ensure that the independence of the country is safeguarded, to ensure that civil liberties are safeguarded and to ensure that the criminal liberties of the few may not triumph over the civil liberties of the large mass of the people."

Mr. Morarji Desai revealed that he had received a threatening letter. He read extracts from it, which said: "Morarji, the High Court has slapped you in the face. Take care Morarji, you are doomed. We will make a Gandhi out of you."

Replying to the criticism of the Bill, the Home Minister said that, apart from the virulent opposition of Mr. Dange, the attitude of other members who had criticised the Bill gave him the impression that their opposition to it was not as strong as it was last year when the Bombay Public Security Measures Act was introduced. He thought that they were just not prepared to support the Bill publicly although they realised the dangers of the situation in the province and that the Bill would would become so explosive that peace in the province would be lost for ever."

Would it be proper on the part of a people's Government to take risks with the peace of the Province and of society, he asked. In Calcutta, the Communist convention had decided to raise a people's army and here in the Assembly chamber Mr. Dange had been preaching "the poison of hatred." He had said that it was his birthright t. preach hatred. The only result of such preaching would be violenc'.

Mr. Desai quoted the editorial comment of *The Times of India* on the measure and said that the responsible section of the press had supported Government.

It was true that the present legislation was similar to the repressive laws of the foreign Government of India in the days gone by. But one had to realise that there was a difference between the powers taken by a foreign Government and the powers conferred upon a Government of the people—powers which were essential to maintain peace.

Mr. Desai said, "It is not a pleasant job at all to enact this measure. But after all, all tasks of life are not pleasant. But many an unpleasant task is more conducive to sering the people than ' are pleasant ones. It is with this knowledge that we have brought forward this measure before this House.

"We know that this is bound to bring us some unpopularity, because there are people who will take advantage of this and misrepresent it. But we have brought forward this measure in order that the future generation may be saved and in order that the future generation may not say that we of this generation failed in our duty at a critical time, because we were afraid to lose our popularity."

BUILDING CONSTRUCTION

Mr. Gulzarilal Nanda, Minister for Labour, moved the first reading of the Bill which was to replace the ordinance issued by Government for the control of erection and re-erection of buildings in the Province.

Mr. Nanda said that there had been a considerable amount of criticism in the press that whereas new cinemas were springing up there was an acute scarcity of building materials for housing purposes. [illegible] it was thought that Gov-

Morarji Desai, while moving the first reading of the Bill, that the clause would not be used by Government for propaganda purposes, but only for getting contradictions, refutations or correct statements of facts published.

"SAFEGUARDING FREEDOM"

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Replying to the criticism of the Bill, the Home Minister said that, apart from the virulent opposition of Mr. Dange, the attitude of other members who had criticised the Bill gave him the impression that their opposition to it was not as strong as it was last year when the Bombay Public Security Measures Act was introduced. He thought that they were just not prepared to support the Bill publicly although they realised the dangers of the situation in the province and that the Bill would protect them.

Mr. Desai said that, if anybody took an impartial view of the position, he would admit that Government had been able to maintain peace in the province because of the "small powers" given by the Act. He said the powers were "small" because they were limited considering the circumstances and the persons against whom they were being used.

But for the Act, the Minister said, the condition in the province would have been different. No doubt, the people had contributed to peace and tranquillity by their good sense. If the people did not like the Act, they would not have supported it, and would have shown their feelings against it. On the other hand, scores of people had asked him to arm Government with more stringent powers. The fact there was no "revolution" in the province as indicated by Mr. Dange showed that the people wanted firm steps to be taken by Government.

Last year, the Home Minister said, there had been "incidents" in the province at some time or other. Government had been able to put them down before they had spread elsewhere because of the powers conferred upon them by the Act. If Government did not take steps to control the actions and movements of certain people, then they would not deserve the claim that they were serving the interests of the people.

CONTROL OF PRESS

Referring to the provisions to control the Press, Mr. Desai said Government had been consistent in their dealings with the press, and had taken action against newspapers which contravened the provisions of the law irrespective of the languages in which they were printed.

He said, "The Press Advisory Committee had advised us to take more powers because the present powers fell short. It did not mean that the Committee advised Government to assume the powers mentioned in the Bill. The Committee also felt that unless more powers were taken, the whole position

comment of *The Times of India* on the measure and said that the responsible section of the press had supported Government.

It was true that the present legislation was similar to the repressive laws of the foreign Government of India in the days gone by. But one had to realise that there was a difference between the powers taken by a foreign Government and the powers conferred upon a Government of the people—powers which were essential to maintain peace.

Mr. Desai said, "It is not a pleasant job at all to enact this measure. But after all, all tasks of life are not pleasant. But many an unpleasant task is more conducive to sering the people than are pleasant ones. It is with this knowledge that we have brought forward this measure before this House.

"We know that this is bound to bring us some unpopularity, because there are people who will take advantage of this and misrepresent it. But we have brought forward this measure in order that the future generation may be saved and in order that the future generation may not say that we of this generation failed in our duty at a critical time, because we were afraid to lose our popularity."

BUILDING CONSTRUCTION

Mr. Gulzarilal Nanda, Minister for Labour, moved the first reading of the Bill which was to replace the ordinance issued by Government for the control of erection and re-erection of buildings in the Province.

Mr. Nanda said that there had been a considerable amount of criticism in the press that whereas new cinemas were springing up there was an acute scarcity of building materials for housing purposes. Therefore it was thought that Government should have powers to restrict the construction of cinemas.

There was also an additional reason for bringing forward the legislation. The Master Plan for Greater Bombay was in preparation and some time was likely to elapse before it was ready. Meanwhile, Government, who knew the broad lines of the Master Plan, wanted to regulate building construction in such a way that it would be in conformity with the Plan.

The House adjourned at this stage to meet on Thursday.

NO. 243

DEPARTMENT OF STATE
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COLLECTION AND DISSEMINATION

AMERICAN CONSULATE GENERAL

Bombay, India, April 14, 1948.

UNCLASSIFIED

DIVISION OF SOUTH ASIAN AFFAIRS
APR 28 1948
Department of State

SUBJECT: Transmission of Copies of Bombay Public Security Measures (Second Amendment) Act, 1948.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to my despatches nos. 210 and 219 of March 31 and April 5, 1948 respectively, and to transmit copies of the Bombay Public Security Measures (Second Amendment) Act, 1948, published in the Bombay Government Gazette of April 8, 1948. It received the assent of the Governor on April 7, 1948.

Respectfully yours,

James V. Martin, Jr.
American Vice Consul

Enclosures:

Copies of the Bombay Public Security Measures (Second Amendment) Act, 1948, in quintuplicate.

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JVMartin, Jr.:db

Original and hectograph to the Department

Copies to:

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American Embassy, New Delhi

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THE FOREIGN SERVICE
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No.138.

AMERICAN CONSULATE GENERAL

Madras, India, May 28, 1948

DIVISION OF SOUTH ASIAN AFFAIRS
JUN 28 1948
Department of State

UNCLASSIFIED

SUBJECT: A new Ordinance, aimed at the Communists, under the Madras Maintenance of Public Order Act, 1947.

1948 JUN 25 PM 3 25
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C., 25.

SIR:

I have the honor, with reference to previous reports and despatches by Consul General Bower concerning the diminution of civil liberties in Madras Province, to report that the Madras Legislative Assembly and Council were prorogued on May 24th, and herewith to forward five copies of the Madras Maintenance of Public Order (Amendment) Ordinance, 1948.

It will be seen that on the day following the prorogation of the Legislature, there was issued an order making it unlawful for anyone to conceal or give any aid or comfort to anyone who has had a detention order issued against him under the Madras Maintenance of Public Order Act, 1947. The ordinance also provides that it is equally illegal for anyone to disseminate in any way any statement of any kind made by any one against whom such an order of detention has been made*. Legal penalties for violation of the order are three to twenty-four months imprisonment and fines of upto Rs.1,000 ($300), and Habeas Corpus proceedings under the ordinance are suspended. (The right of Habeas Corpus was specifically granted under Section 491, sub-sections(1) and (2) of the Code of Criminal Procedure, 1898.)

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* Documents of this sort are forfeit to the Crown and any police officer not below the rank of a sub-inspector may enter and search, with a warrant issued by a Magistrate, any premises where such documents are believed to be.

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In explanation and justification of the issuance of the Ordinance, the Government issued, on May 26, the following communique:

"The public are aware of the lawlessness that has been prevailing in N. Malabar, Kistna, Tanjore and certain other parts of the Province during the past few months. Recent developments in Hyderabad with the organised raids by Razakars on border areas have made the situation appreciably worse and the Government are apprehensive that unless adequate measures are taken the situation may deteriorate further. They have therefore been constrained to promulgate an Ordinance tightening up the provisions of the Maintenance of Public Order Act.

"The main provisions of the Ordinance are, firstly, that persons who harbour or give shelter to those against whom orders of detention have been passed will render themselves liable to imprisonment and, secondly, that those who print or publish leaflets, appeals, etc., purporting to be from such persons i.e., persons against whom orders of detention have been passed will be equally liable to punishment. These provisions have become necessary as many of the wanted men among the Communists have gone underground and are pursuing their activities from their places of hiding. Several leaflets purporting to be from leading members of the Communist Party have also made their appearance in Madras and elsewhere preaching defiance of authority.

"Government cannot permit subversive activities of this type to continue and it is for this reason that the Ordinance has been promulgated. The Government have also taken this opportunity to make clear the intention underlying Section 16 of the Act which says that no order made in exercise of any power conferred by the Act shall be called in question in any court. At the time when the Act was passed it was the intention of Government that there should be only one remedy open to the detenus, namely the review of each case by the Advisory Council constituted under Section 3 of the Act.

"This Council consists of a Judge of the High Court and two eminent lawyers and they may be trusted to deal with each case having due regard to judicial principles. This Council has already been examining

cases

> cases of those who have been detained. In any enquiry before the High Court the Government have to place all facts before the Court and such facts often tend to become public property. It thus becomes easier for subversive elements to locate the sources from which Government obtain their information and to terrorise those acting in support of law and order. The unavoidable publicity attendant on proceedings in the High Court has handicapped the Government in their tracing and dealing with the subversive elements adequately. It is for this reason that the alternative remedy, namely applications under Section 491, Cr.P.C. has now been taken away.
>
> "As the Ordinance is aimed against those persons against whom orders of detention had been passed and who are underground, a list is attached giving their names."

The list of persons is not quoted herein but it is sufficient to say that it contains names of Communists or alleged Communists from sixteen of the twenty-five districts of the province.

The Madras Government has also declared certain sections of the province to be disturbed areas within the meaning of the Madras Suppression of Disturbances Act, 1948. (See Consulate General's despatch No.59 dated March 10, 1948, entitled: "Passage of the Suppression of Disorders Bill in the Madras Legislature".) This means that, in suppressing public disorders in these areas, a police officer not below the rank of a sub-inspector may shoot without warning, even if death be caused, in carrying out the provisions of the Act, and he cannot be called into question for it. The areas declared to be disturbed for the purpose of the Act are the Chirakkal, Kottayam and Kurumbranad taluks in the Malabar District, and the Nandigama, Tiruvur and Bezwada taluks and the Munagala and Lingagiri parganas of the Kistna District.

While these disturbed areas are all strongholds of South Indian Communists, and the Madras Government defends its action in issuing both of the above ordinances by claiming they are necessary to combat Communist activity, it cannot be doubted that many thinking members of the public view these developments with grave misgivings. The manner in which the Legislature was prorogued one day and the Ordinance issued the next day, with the bland opening words: "Whereas the Legislature of the Province is not in session and the Governor of Madras is satisfied that immediate action is necessary for the purpose of amending the Madras Maintenance of Public Order Act, 1947,.....", has called the good faith of the Government into serious question by many.

Mr. Mohamed Ismail,

Mr. Mohamed Ismail, Leader of the Opposition in the Assembly, protested vehemently: "It would appear that the session..... was prorogued purposely for the promulgation of the Ordinance .....If the Government thinks there is any urgency, the Legislature can be telegraphically summoned in two days time and the matter can be placed before the representatives of the people.....this does not show respect for the spirit of independence and freedom of the people and for the rights of their representatives." He particularly deplored the suspension of the right of Habeas Corpus as a "serious and violent inroad into the sacredand fundamental rights of the citizen".

The reaction in the press has also been immediate. The Mail on May 27th said that this ordinance "in its limitation on the rights and liberty of the subject, surpasses all existing laws". While stating that a similar ordinance in 1944 was justified because the country was at war, it is unjustified today inasmuch as the country is at peace and it is asked why such drastic measures are necessary.

With reference to the defense that terrorism by Communists against witnesses and those who attempt to uphold law and order would result if sources of information and charges should be revealed during Habeas Corpus proceedings, the Mail says:

> "These are plausible arguments.....But the new Ordinance.....is not restrictive. The Government can, if they wish, employ the powers it gives against all citizens, irrespective of their political affiliations. It is this fact which creates a feeling of alarm in the minds of those who value civic liberty and the fundamental rights of the individual."

The hope is expressed that the all-embracing power which the Government has taken unto itself will be used with the greatest circumspection and caution, and that there should be no haste in forming conclusions about the character of a citizen's actions.

The Express of yesterday morning defends, in principle, the issuance of the Ordinance, and states that recent events in Malabar and Kistna have proved that freedom to propogate political theories "has been grossly abused by persons interested in the overthrow of the Government established by law, for party advantage". The new prohibition on aiding such persons and spreading their propaganda is described as removing a source of mischief.

The Government is complimented in publishing a list of persons who have gone underground and against whom detention orders have been issued, but the wisdom and necessity of

suspending

suspending the right of Habeas Corpus is seriously questioned inasmuch as, in other parts of the Ordinance, action by the Government in carrying out the provisions of the order may not be called into question in any court. In general, however, the ordinance is approved. It is argued that, when the claim to the right to influence evolution of the policies of a government "degenerates into unbridled licence and is directed against the very institution of the State," then the State must take such action as may be necessary to protect itself. "Governments may be criticised or changed, but the State as such should, by all means, be preserved."

> "A political party is entitled to confront an existing government with alternative plans and programmes, but no government can be expected to encourage total self-destruction, by force, at the hands of its adversaries. Moreover, the Government have taken care not to outlaw the Communist Party as such, but only the practice of lawlessness and violence, rendering life impossible for peaceful and law-abiding people. The fact that the public of North Malabar have been actively co-operating with the authorities in the capture of offenders shows that they, as much as the Government, resent the menacing phenomenon. Since there has been identity of interest between the two, the present amendments assume the character of a necessary implementation."

Thus ends, in principle, the last vestige of civil liberties -- such as there were left -- in the Madras Province. Given an honest government, and conscientious ministers and police, there may yet be fair and just government here. It is officially maintained that the Ordinance, and the Act under which it is promulgated, as well as the Suppression of Disturbances Act are aimed at the Communists. Although the party is not mentioned, names of individuals are. But in the hands of unscrupulous folk who are interested only in advancing their personal and political fortunes there can be no doubt that this weapon would be irresistible. If used only to combat Communism, well and good, and it will be a point scored over Madras' neighbor, West Bengal, where it was thought necessary to ban the Communists. The situation has immense potentialities for good or bad. One may hope the former will prevail.

Respectfully yours,

Robert P. Chalker
American Consul

800
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Enclosure: Five copies of an Act.
Original and hectograph to Department
Copies to American Embassy, New Delhi
Consulates General, Bombay & Calcutta.

Enclosure to Despatch No.138 dated May 28, 1948, from Madras, India, entitled: "A new Ordinance aimed at the Communists, under the Madras Maintenance of Public Order Act, 1947."

Registered No. M-1 [PRICE, 3 *pies.*

THE FORT ST. GEORGE GAZETTE

PUBLISHED BY AUTHORITY

No. 13] MADRAS, TUESDAY EVENING, MAY 25, 1948

PART IV-B—MADRAS ACTS, ORDINANCES, ETC.

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Madras Lapsed Acts (Removal of Doubts) Act, 1948—Tamil.
Madras Non-power Factories Act, 1947—Hindustani.
Madras Re-enacting (No. III) Act, 1948—Malayalam.
Madras Silkworm Diseases (Prevention and Eradication) Act, 1948—Telugu.
Madras Suppression of Disturbances Act, 1948—Telugu and Kannada.

Ordinance promulgated by the Governor.

The following Ordinance which was promulgated by His Excellency the Governor on the 25th May 1948 is hereby published for general information :—

ORDINANCE No. II OF 1948.

An Ordinance to amend the Madras Maintenance of Public Order Act, 1947.

WHEREAS the Legislature of the Province is not in session, and the Governor of Madras is satisfied that immediate action is necessary for the purpose of amending the Madras Maintenance of Public Order Act, 1947 ;

Madras Act I of 1947.

AND WHEREAS the instructions of the Governor-General have been obtained in pursuance of the proviso to section 88, sub-section (1), of the Government of India Act, 1935 ;

26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the powers conferred by section 88, sub-section (1), aforesaid, the Governor hereby promulgates the following Ordinance :—

1. This Ordinance may be called the Madras Maintenance of Public Order (Amendment) Ordinance, 1948. Short title.

Insertion of new sections 2-A and 2-B in Madras Act I of 1947.

2. After section 2 of the Madras Maintenance of Public Order Act, 1947 (hereinafter referred to as the said Act), the following sections shall be inserted, namely :— Madras Act I of 1947.

Punishment for harbouring or concealing persons ordered to be detained.

"2-A. (1) Whoever, knowing or having reason to believe that an order for the detention of any person has been made under section 2 (1), clause (*a*), harbours or conceals such person, shall be punished with imprisonment for a term which shall not be less than three months or more than two years, and shall also be liable to a fine which may extend to one thousand rupees.

(2) In sub-section (1), the word 'harbours' includes the supplying a person with food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this sub-section or not, to evade apprehension.

(3) Sub-section (1) does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

Punishment for reproducing or publishing statements, etc., made by persons ordered to be detained.

2-B. (1) Whoever prints or otherwise reproduces, sells, distributes, publishes, or publicly exhibits or keeps for sale, distribution or publication, any document consisting of or containing—

(*a*) any statement, oral or written, or any sketch or cartoon, made by, or purporting to be made by, or at the instance or on behalf of, any person for whose detention an order has been made under section 2 (1), clause (*a*),

(*b*) any statement, oral or written, or any sketch or cartoon, made by, or purporting to be made by, or at the instance or on behalf of, any person, in contravention of any order made against him under section 2 (1), clause (*g*),

(*c*) any rendering, part or summary of any statement referred to in clause (*a*) or clause (*b*), or the purport of any such statement, part or summary, or

(*d*) any translation of any such statement or part or summary thereof into any other language, or any rendering, summary or purport of any such statement or part, in any other language,

shall be punished with imprisonment for a term which shall not be less than three months or more than two years and shall also be liable to a fine which may extend to one thousand rupees.

(2) The Provincial Government may, by notification in the *Fort St. George Gazette*, declare every copy of any document which, in their opinion, is of the description specified in sub-section (1), to be forfeited to His Majesty."

Insertion of new section 12-A in Madras Act I of 1947.

3. After section 12 of the said Act, the following section shall be inserted, namely:—

Power to seize and search for copies of documents which have been forfeited.

"12-A. If copies of any document are declared to be forfeited to His Majesty under section 2-B (2) or 9 (2), any police-officer may seize the same wherever found in the Province; and any Magistrate may by warrant, authorize any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such document may be or may be reasonably suspected to be."

Insertion of new section 16-A in Madras Act I of 1947.

4. After section 16 of the said Act, the following section shall be inserted, namely:—

Central Act V of 1898.

Section 491 (1) and (2) of Central Act V of 1898 not to apply.

"16-A. Nothing in section 491, sub-sections (1) and (2), of the Code of Criminal Procedure, 1898, shall apply to any person detained, or deemed to have been detained, under section 2 of this Act by the Provincial Government or any officer or authority authorized by them in that behalf."

ARCHIBALD NYE,
Governor of Madras.

25th May 1948.

(By order of His Excellency the Governor)

P. V. BALAKRISHNA IYER,
Secretary to Government, Legal Department.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT GOVERNMENT PRESS.

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DIVISION OF SOUTH ASIAN AFFAIRS
OCT 22 1948
Department of State

AMERICAN CONSULATE GENERAL

No.272.

Madras, India, September 18, 1948

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SUBJECT: Passage of an Act to Amend the Madras Maintenance of Public Order Act, 1947.

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SIR:

I have the honor to report that the Madras Maintenance of Public Order (Amendment) Ordinance, 1948, which was the subject of this office's despatch No.138 of May 28, 1948, has now been repealed and its terms passed into law by the Madras Legislature with the exception of one provision.* The law, entitled "An Act to Amend the Madras Maintenance of Public Order Act, 1947", received the Governor-General's assent on August 7, 1948. It will be recalled that the Ordinance which is now repealed by the new Act was promulgated by the Madras Government one day after the Madras Legislature was prorogued last May, and the Madras Government defended its action at the time by stating that the emergency situation demanded it.

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* The exception is the new section 16-A, which under the Ordinance deprived a person against whom a detention order had been issued from resort to the courts and asking for a writ of habeas corpus to be issued in his favor. This section was brought before the High Court of Madras where, although the judges declared the suspension of habeas corpus intra vires of the powers of the Government, nevertheless let be known that they considered the provision unwise, unnecessary and superfluous. In view of these comments, 16-A was dropped from the amending bill.

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Five copies of the new Act are enclosed. It will be noted that in addition to the powers taken by the Government under the original Ordinance, with the single exception already noted, a number of other provisions are included. Sections 5 through 12 are new.

Section 5 outlaws the wearing of distinctive clothing or uniforms of any kind or the display of any emblem or token "if the Provincial Government are satisfied that /they are/ . . . likely to prejudice the public safety or the maintenance of public order or communal harmony." Punishments of up to three years' imprisonment or fine or both may be imposed for contravention of this section.

In Section 5 also severe punishments are imposed for unlicensed possession of arms (including firearms, swords, daggers, spears, spearheads, bows and arrows) in "disturbed areas", (See definition of "disturbed areas" in the Madras Suppression of Disorders Bill, despatch No.59 of March 10, 1948.) but prosecution may be instituted only with the consent of the Provincial Government.

Section 6 clarifies and tightens the regulations against recalcitrant printers and "keepers of printing presses", further defines "documents" to include practically anything printed, written or drawn on paper, and obligates any newspaper to print in any particular issue anything the Government directs which may concern or arise out of anything previously printed in such paper, and in such manner and form as the Government may direct.

Section 7 prohibits the removal, without permission in writing from the appropriate police authority or local magistrate, of any article or commodity from the Province on pain of fine and/or imprisonment. The same section also forbids any spoken words, signs or visible representations given or made directly or indirectly which incite anyone to do or commit violence against any person, or private or public property, on pain of fine and/or imprisonment. The entry into the province of any person considered by the Provincial Government to be dangerous to the peace and safety of the province is also prohibited.

Section 8

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* It is interesting to note that since the passage of the amending bill, press reports from New Delhi dated August 17, 1948, have stated that the Central Government "have advised the Provincial Governments that on grounds of public policy that they consider it would be undesirable to oust the jurisdiction of the High Courts under Section 491 of the Criminal Procedure Code (power to issue a writ of habeas corpus)".

Section 8 gives the Provincial Government the power to requisition, and if necessary compulsorily to acquire, any property, movable or immovable, whenever it is deemed necessary to the public safety. Provision is made in the remainder of the section for fixing the compensation to be paid, and Section 9 gives the police power forcibly to enter and take possession of property to be requisitioned or acquired.

Section 10 gives the police power to enter and search premises where objectionable literature or other documents which have been forfeited to the Crown under the Act (see section 4, insert "2-B(2)") are believed to be situated. Section 11 lays down rules for arbitration in cases where arbitration is to be used, and Section 12 provides for the repeal of the Ordinance already mentioned above, but ensures the validity of all action previously taken under that Ordinance.

The Madras Government, in a press note dated August 12, 1948, explains that the taking of still wider powers by means of this amending Act is not directed at the liberty of the individual. It is plainly stated that the Government is directing its efforts against Communist agitators and trouble-makers and that such extreme measures are necessary. The Government recalls the release of miscreants from detention on August 15, 1947, stating that it had been hoped that such agitators would have mended their ways and contributed to the peace of the province. This hope had been disappointed, however, and it was now necessary to round up these Communists and their fellow-travellers, who in many instances were no more than goondas and looters, and detain them to preserve the peace of the province. In justification of the position of the Government and of the need for drastic action, twelve instances of looting, robbery and general public disturbance are cited which occurred between February 24, and the end of July, 1948. In every instance, Communists are primarily blamed. Furthermore, says the Government, the situation in the Hyderabad border areas necessitated taking "adequate measures". The Hyderabad authorities were accused of conciliating the Communists so as to use them against the Indian Union.

In summarizing the case against the Communists, the Provincial Government accuses them of stirring up class hatred, causing violence, sabotaging productive machinery, using peasants and laborers "as pawns in their political game", wrecking public morale and violating "all canons of political morality". They have also, says the Madras Government, "challenged and attacked the very foundations of democracy and virtually declared war on the popular government".

Editorial Comment:

Editorial reaction was widespread and mostly unfavorable. The Liberator (August 12), while admitting that the times through which the province is passing are critical, deplores the passing of the bill, and the fact that it is to be in force for nearly

five years.

five years. Surely something is wrong if an emergency in peace time is to last so long. The restrictions on the liberty of the press is, of course, denounced, as are the sections prohibiting the wearing of distinctive clothing. The Liberator wants to know why a popular government, with an overwhelming majority in the Legislative Assembly, finds it necessary to pass such a bill when anything could be had from the Assembly at short notice.

The Mail (August 12), while agreeing to take the present ministers at their word "and to believe their assurance that the Act will be seasoned with mercy, we cannot forget that before they intervene, much hardship may be caused to citizens by the action of subordinates empowered to take action under the bill". Furthermore, it is dangerous to restrict the freedom of the press, says the Mail. "The freedom of the Press, uncurbed and based on the good sense of responsible citizens, is the bulwark of democracy. That removed, democracy is doomed."

The Hindu (August 13), pro-Congress and usually pro-Government, finds serious fault with three particular provisions of the Act. One is the portion of section 4 insert "2-A" which makes it a criminal offense for anyone, even parents (but excepting spouses), to harbor anyone against whom an order of detention has been issued. It is pointed out that the order may have been issued on an unfounded charge by a mere subordinate police official, even though the harborer may know him to be innocent. The harborer is nevertheless a criminal under the Act.

The second provision of the Act to which the Hindu takes exception (Section 4 insert "2-B") is that no newspaper may reproduce anything written or said by a person against whom an order of detention has been issued. This takes away one of the fundamental rights of an individual even before he has been declared guilty of any offense, and makes it dependent upon the whim of some subordinate official.

The third deplorable provision, (Section 6 insert "9 (ii)(c)"), according to the Hindu, is that any newspaper may be required by the Government to print in any particular issue or issues "any matter relating to or arising out of any matter published in any previous issue of such newspaper. . . . . in such manner as may be specified in the order". The Hindu complains that:

> "By resort to this provision, the Government may seek to reduce the Press to little better than propaganda sheets to sing their glories, compelling newspapers to sin against the light. It is a blow to the freedom of the Press to which the Press cannot afford to submit."

Of the Madras papers, only the Express gives its approval to the Act, saying it is necessary to deal with the "mischief-mongers". The provisions relative to harboring of suspects is approved because, "if persons were allowed to work from behind apparently

law-abiding

law-abiding citizens, it would be impossible to bring them to book". The Express even considers necessary the restrictions on "certain sections" of the press because of the "manner in which prohibited literature was finding publicity on the rebound".*

While the Provincial Government has stated that the measures in the amending Act are directed only against Communists, it is interesting to note that its provisions have already been used against a considerable number of persons who have been agitating against the introduction of compulsory instruction in Hindi in South Indian schools. These persons wear black shirts or coats, and wave black flags to indicate their sorrow that the South has no political and economic autonomy. Their demonstrations are almost invariably peaceful, and their leaders have said they have no political aims as such. They are merely protesting, they say, against the dominance of the North over the South. The arrest of a number of these agitators was referred to in this office's despatch No.262 of August 30, 1948, entitled "Anti-Hindi Agitation in Madras during the Governor-General's visit".

Respectfully yours,

Robert B. Streeper
American Consul General

Enclosure: alt
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Five copies of Act.

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RPChalker:mp

Original and hectograph to Department
Copies to: American Embassy, New Delhi
American Consulate General, Bombay
American Consulate General, Calcutta.

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* It is possible, and even probable, that in some instances the provisions of the Act regarding harboring, and printing statements, etc., of persons against whom detention orders have been issued might operate in such a manner that the harborer or the purveyor of such statements might be convicted and sentenced under the Act, while the fugitive whom he helped might be subsequently tried and adjudged innocent.

RPM

Enclosure to Despatch No.272 dated September 18, 1948, from American Consulate General, Madras, India, entitled:"Passage of an Act to Amend the Madras Maintenance of Public Order Act 1947".

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THE FORT ST. GEORGE GAZETTE

PART IV-B—EXTRAORDINARY

PUBLISHED BY AUTHORITY

NO. 16] MADRAS, FRIDAY, AUGUST 20, 1948

The following Act of the Madras Legislature received the assent of His Excellency the Governor-General on the 7th August 1948, and is hereby published for general information :—

ACT No. XVII OF 1948.

An Act to amend the Madras Maintenance of Public Order Act, 1947.

Madras Act I of 1947.

WHEREAS it is expedient to amend the Madras Maintenance of Public Order Act, 1947, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Madras Maintenance of Public Order (Amendment) Act, 1948.

(2) It shall come into force on the 22nd August 1948.

Madras Act I of 1947.

Amendment of section 1, Madras Act I of 1947.

2. In section 1, sub-section (4) of the Madras Maintenance of Public Order Act, 1947 (hereinafter referred to as the said Act), for the words "for a further period or periods not exceeding one year in the aggregate," the words "for a further period or periods not exceeding three years in the aggregate" shall be substituted.

Amendment of section 2, Madras Act I of 1947.

3. In section 2 of the said Act—

(i) in sub-section (1), in the opening paragraph, after the words "about to act" the words "or likely to act" shall be inserted ;

(ii) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2-A) No order of detention made in respect of any person under sub-section (1), whether before or after the

commencement of the Madras Maintenance of Public Order (Amendment) Act, 1948, by an officer or authority empowered under section 15, shall be deemed to be invalid solely because the place of detention specified in the order is situate outside the limits of the territorial jurisdiction of the officer or authority making such order."

Insertion of new sections 2-A and 2-B in Madras Act I of 1947.

4. After section 2 of the said Act, the following sections shall be inserted, namely :—

Punishment for harbouring or concealing persons ordered to be detained.

"2-A. (1) Whoever, knowing or having reason to believe that an order for the detention of any person has been made under section 2 (1), clause (*a*), harbours or conceals such person, shall be punished with imprisonment for a term which shall not be less than three months or more than two years, and shall also be liable to a fine which may extend to one thousand rupees.

(2) In sub-section (1), the word 'harbours' includes the supplying with a view to evade apprehension a person with food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this sub-section or not, to evade apprehension.

(3) Sub-section (1) does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

Punishment for reproducing or publishing statements, etc., made by persons ordered to be detained.

2-B. (1) Whoever prints or otherwise reproduces, sells, distributes, publishes, or publicly exhibits or keeps for sale, distribution or publication, any document consisting of or containing—

(*a*) any statement, oral or written, or any sketch or cartoon, made by, or purporting to be made by, or at the instance or on behalf of, any person for whose detention an order has been made under section 2 (1), clause (*a*),

(*b*) any statement, oral or written, or any sketch or cartoon, made by, or purporting to be made by, or at the instance or on behalf of, any person, in contravention of any order made against him, under section 2 (1), clause (*g*),

(*c*) any rendering, part or summary of any statement referred to in clause (*a*) or clause (*b*), or the purport of any such statement, part or summary, or

(*d*) any translation of any such statement or part or summary thereof into any other language, or any rendering, summary or purport of any such statement or part, in any other language,

shall be punished with imprisonment for a term which shall not be less than three months or more than two years and shall also be liable to a fine which may extend to one thousand rupees.

(2) The Provincial Governme
in the *Fort St. George Gazette*, declare
ment which, in their opinion, is of t
in sub-section (1), to be forfeited to H

Expl nation.—Nothing in this
evidence given by any witness or to c
any proceedings conducted in respect
to reproduction by any officer or aut
official duty."

5. After section 7 of the said Act
shall be inserted, namely :—

"7-A. (1) If the Provincial Go
that—

(*a*) the wearing in public of
dress resembling any uniform or part
to be worn by a member of the armed
of India or of any Police or other force
law for the time being in force, or

(*b*) the wearing or display in
dress or article of dress or any emblem

is likely to prejudice the public safety
public order, or communal harmony
notified in the *Fort St. George Gazett*
the wearing or display in public of an
dress, emblem or token.

(2) For the purposes of this sect
he may be, shall be deemed to wear or d
article of dress, emblem or token, if it
as to be visible from any place to which

(3) Whoever contravenes any
section shall be punished with imprison
may extend to three years or with fine

7-B. (1) When any disturbance
apprehended in any area in the Pr
Provincial Government may, by no
St. George Gazette, declare such area to

(2) Notwithstanding anything
the time being in force, if in any area
by the Provincial Government to be
arms for which he has no valid licenc
session of any person or in any premise
his occupation or control, then, such
with imprisonment for a term which m
or with fine or with both :

of the Madras Maintenance of Public Order Act, 1948, by an officer or authority empowered ...shall be deemed to be invalid solely because ...tention specified in the order is situate outside the territorial jurisdiction of the officer or ...ing such order."

...ction 2 of the said Act, the following sections ...d, namely :—

...) Whoever, knowing or having reason to believe ...for the detention of any person has been made ... 2 (1), clause (*a*), harbours or conceals such ...e punished with imprisonment for a term which ...ss than three months or more than two years, ... be liable to a fine which may extend to one ...es.

... sub-section (1), the word 'harbours' includes ... with a view to evade apprehension a person ...k, money, clothes, arms, ammunition or means ..., or the assisting a person by any means, ...e same kind as those enumerated in this sub- ... to evade apprehension.

...b-section (1) does not extend to the case in ...bour or concealment is by the husband or wife ... to be apprehended.

... Whoever prints or otherwise reproduces, sells, ...ublishes, or publicly exhibits or keeps for sale, ...r publication, any document consisting of or

...ny statement, oral or written, or any sketch or ...e by, or purporting to be made by, or at the ...n behalf of, any person for whose detention an ...n made under section 2 (1), clause (*a*),

...ny statement, oral or written, or any sketch or ...e by, or purporting to be made by, or at the ... behalf of, any person, in contravention of any ...gainst him, under section 2 (1), clause (*g*),

...ny rendering, part or summary of any statement ...clause (*a*) or clause (*b*), or the purport of any such ...rt or summary, or

...ny translation of any such statement or part ...hereof into any other language, or any rendering, ...purport of any such statement or part, in any ...e,

...shed with imprisonment for a term which shall ...n three months or more than two years and shall ... to a fine which may extend to one thousand

(2) The Provincial Government may, by notification in the *Fort St. George Gazette*, declare every copy of any document which, in their opinion, is of the description specified in sub-section (1), to be forfeited to His Majesty.

Expl nation.—Nothing in this section applies to the evidence gi...en by any witness or to counsel in the co...rse of any proce...ding conducted in respect of any such offence or to re...production by any officer or authority in the course of official duty."

5. After section 7 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 7-A and 7-B in Madras Act I of 1947.

"7-A. (1) If the Provincial Government are satisfied that— Wearing or display of uniforms, etc.

(*a*) the wearing in public of any dress or article of dress resembling any uniform or part of a uniform required to be worn by a member of the armed forces of the Dominion of India or of any Police or other force constituted under any law for the time being in force, or

(*b*) the wearing or display in public of any distinctive dress or article of dress or any emblem or token,

is likely to prejudice the public safety or the maintenance of public order, or communal harmony, they may, by order notified in the *Fort St. George Gazette*, prohibit or regulate the wearing or display in public of any such dress, article of dress, emblem or token.

(2) For the purposes of this section, a person wherever he may be, shall be deemed to wear or display in public, a dress, article of dress, emblem or token, if it is so worn or displayed as to be visible from any place to which the public have access.

(3) Whoever contravenes any order made under this section shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

7-B. (1) When any disturbance has broken out or is apprehended in any area in the Province of Madras, the Provincial Government may, by notification in the *Fort St. George Gazette*, declare such area to be a disturbed area. Possession of unlicensed arms and import of arms prohibited in disturbed areas.

(2) Notwithstanding anything in any other law for the time being in force, if in any area which has been notified by the Provincial Government to be a disturbed area, any arms for which he has no valid licence are found in the possession of any person or in any premises which are ordinarily in his occupation or control, then, such person shall be punished with imprisonment for a term which may extend to five years or with fine or with both :

Provided that no person shall be deemed to have committed any offence under this sub-section in respect of any arms found in any premises which are ordinarily in his occupation or control, if he proves that he had no knowledge of such arms being in such premises and that he had taken reasonable care to prevent such arms being kept therein.

(3) Whoever imports arms of any description into any area which has been notified by the Provincial Government to be a disturbed area without a licence in that behalf obtained from a magistrate of the first class having jurisdiction over such area shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both, and the Court trying the offence shall order that the arms in respect of which the offence has been committed shall be forfeited to His Majesty.

(4) No prosecution shall be instituted against any person for an offence punishable under this section, except with the previous sanction of the Provincial Government.

(5) For the purposes of this section, 'arms' includes firearms, bayonets, swords, daggers, spears, spearheads, bows and arrows and parts of such arms."

Amendment of section 9, Madras Act I of 1947.

6. In section 9 of the said Act—

(i) in sub-section (1), in the opening paragraph, after the word "printer", the words "keeper of a printing press" and after the word "printers", the words "keepers of printing presses" shall be inserted;

(ii) in the same sub-section after clause (*b*), the following clause shall be added, namely :—

"(*c*) require that any matter relating to or arising out of any matter published in any previous issue of any newspaper be published in any particular issue or issues of such newspaper in such manner as may be specified in the order.";

(iii) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-A) The Provincial Government may for the purpose of securing the public safety or the maintenance of public order, by order notified in the *Fort St. George Gazette*, prohibit or regulate the entry into, or the circulation, sale or distribution in, the Province of Madras or any part thereof, of any document or class of documents :";

(iv) in sub-section (2)—

(*a*) for the words, brackets and figure "under sub-section (1)", the following shall be substituted, namely :—
"under sub-section (1) or sub-section (1-A)";

(*b*) for the words "published or made in contravention of such order", the words "in respect of which the order has been contravened" shall be substituted;

(v) after sub-section (3), be added, namely :—

"(4) For the purpose includes—

(*a*) a newspaper, tha containing public news or com

(*b*) a news-sheet, th than a periodical work) contai on public news;

(*c*) a book, that is to leaflet in any language, or an volume, pamphlet or leaflet;

(*d*) any sheet of musi printed or lithographed;

(*e*) any painting, dr visible representation."

7. After section 9 of the s shall be inserted, namely :—

"9-A. (1) If, in the opi ment, it is essential for the safety, or the maintenance o removal of any commodity, ar the Provincial Government *Fort St. George Gazette*, direct t commodity, article or thing f permission in writing of the presidency-town or of the Dis

(2) Whoever contrave section (1) shall be punished which may extend to one year

9-B. (1) Whoever by wor or visible representations or instigates or incites any person or to commit mischief against individual or individuals or a immediately or on the occu occurrence of a contingency, s ment for a term which may fine, or with both.

(2) No prosecution person for an offence punish with the previous sanction of in the presidency-town an concerned elsewhere.

ovided that no person shall be deemed to have com-
y offence under this sub-section in respect of any
d in any premises which are ordinarily in his occu-
control, if he proves that he had no knowledge of
being in such premises and that he had taken
care to prevent such arms being kept therein.

Whoever imports arms of any description into any
has been notified by the Provincial Government
disturbed area without a licence in that behalf
from a magistrate of the first class having
over such area shall be punished with imprison-
term which may extend to five years, or with fine,
th, and the Court trying the offence shall order that
n respect of which the offence has been committed
rfeited to His Majesty.

No prosecution shall be instituted against any
an offence punishable under this section, except
revious sanction of the Provincial Government.

For the purposes of this section, 'arms' includes
ayonets, swords, daggers, spears, spearheads, bows
and parts of such arms."

ection 9 of the said Act—

sub-section (1), in the opening paragraph, after
'printer', the words "keeper of a printing press"
the word "printers", the words "keepers of
resses" shall be inserted;

n the same sub-section after clause (*b*), the following
l be added, namely :—

c) require that any matter relating to or arising
y matter published in any previous issue of any
be published in any particular issue or issues of
paper in such manner as may be specified in the

after sub-section (1), the following sub-section shall
, namely :—

(1-A) The Provincial Government may for the
securing the public safety or the maintenance of
er, by order notified in the *Fort St. George Gazette*,
regulate the entry into, or the circulation, sale or
n in, the Province of Madras or any part thereof,
ument or class of documents : " ;

in sub-section (2)—

for the words, brackets and figure "under sub-
", the following shall be substituted, namely :—
"under sub-section (1) or sub-section (1-A)" ;

for the words "published or made in contraven-
ch order", the words "in respect of which the
been contravened" shall be substituted ;

(v) after sub-section (3), the following sub-section shall be added, namely :—

"(4) For the purposes of this section, 'document' includes—

(*a*) a newspaper, that is to say, any periodical work containing public news or comments on public news ;

(*b*) a news-sheet, that is to say, any work (other than a periodical work) containing public news or comments on public news ;

(*c*) a book, that is to say, any volume, pamphlet or leaflet in any language, or any part or division of any such volume, pamphlet or leaflet ;

(*d*) any sheet of music, map, chart or plan, separately printed or lithographed ;

(*e*) any painting, drawing or photograph or other visible representation."

7. After section 9 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 9-A, 9-B and 9-C in Madras Act I of 1947.

"9-A. (1) If, in the opinion of the Provincial Government, it is essential for the purpose of securing the public safety, or the maintenance of public order, to restrict the removal of any commodity, article or thing from the Province, the Provincial Government may, by order notified in the *Fort St. George Gazette*, direct that no person shall remove such commodity, article or thing from the Province, without the permission in writing of the Commissioner of Police in the presidency-town or of the District Magistrate elsewhere. Control of commodities, etc.

(2) Whoever contravenes any order made under sub-section (1) shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

9-B. (1) Whoever by words spoken or written, or by signs or visible representations or otherwise, directly or indirectly instigates or incites any person to use criminal force or violence or to commit mischief against the person or property of any individual or individuals or any section of the public either immediately or on the occurrence or the likelihood of the occurrence of a contingency, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both. Incitement to violence, etc.

(2) No prosecution shall be instituted against any person for an offence punishable under this section, except with the previous sanction of the Chief Presidency Magistrate in the presidency-town and of the District Magistrate concerned elsewhere.

Protected areas and waterways.

9-C. (1) If, in the opinion of the Provincial Government, it is necessary or expedient so to do, for the purpose of securing the public safety or the maintenance of public order they may, by order notified in the *Fort St. George Gazette*, prohibit or regulate the entry of persons into any area or the plying of boats or other crafts or vessels in inland waterways in any area.

(2) Whoever contravenes any order made under sub-section (1) shall be punished with imprisonment which may extend to three years, or with fine, or with both."

Amendment of section 10, Madras Act I of 1947.

8. In section 10 of the said Act—

(i) in sub-section (1), for the words " by order in writing requisition any movable property ", the words " requisition or acquire any movable property or requisition any immovable property ", and for the words " in connexion with the requisitioning " the words " in connexion with the requisitioning or acquisition " shall be substituted ;

(ii) to the same sub-section, the following proviso shall be added, namely :—

" Provided that no property used for the purpose of religious worship shall be requisitioned or acquired under this sub-section." ;

(iii) after sub-section (1), the following sub-sections shall be inserted, namely :—

" (1-A) The requisition or acquisition shall be effected by an order in writing addressed to the person deemed by the Provincial Government to be in possession of the property, and such order shall be served on the person concerned in the manner prescribed by rules under this Act.

(1-B) A copy of every order under sub-section (1-A) shall also be served in the manner prescribed by rules under this Act on the owner of the property which has been requisitioned or acquired, if he is not in possession thereof :

Provided that failure to comply with the provisions of this sub-section shall not affect the validity of the order." ;

(iv) in sub-section (3), for the words " requisition any property ", the words " requisition or acquire any movable property " shall be substituted ;

(v) in the proviso to the same sub-section, for the word " requisition " in both the places where it occurs, the words " requisition or acquisition " shall be substituted ;

(vi) after the same sub-section, the following sub-section shall be inserted, namely :—

" (3-A) Whenever in pursuance of sub-section (1), the Provincial Government requisition any immovable property, there shall be paid to the person interested in the property such compensation as shall be determined in accordance with the principles hereinafter set out, that is to say :—

(*a*) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

(*b*) Where no such ag
where there is any dispute as to t
pensation or as to the apportionm
pensation, or where the person in
where there is no person compete
the Provincial Government shal
District Judge or an officer of
qualified for appointment as a Dis

Explanation.—For the
expression ' District Judge ' inclu
City Civil Court.

(*c*) In determining the
the arbitrator shall have regard to
of the Land Acquisition Act, 189
made applicable.

Central Act I of 1894.

(*d*) An appeal shall lie
any decision of the arbitrator in
amount of compensation in respe
an amount prescribed by rules und

Explanation.—For the
the expression ' person interest
claiming an interest in compensat
of the requisitioned property. " ;

(vii) in sub-section (4)—

(*a*) in the main paragrap
tioning ", the words " or acquirin

(*b*) for clause (*b*), the follow
tuted, namely :—

" (*b*) direct that, until
may be specified in the order, th
possession of the property shall
of the Provincial Government, di
a building alter it structurally, o
property remove it from the prem

(viii) in sub-section (5), for
such property ", the words " in
property " shall be substituted.

9. After section 10 of the said
shall be inserted, namely :—

" 10-A. Any person remai
property in contravention of any
may be summarily dispossessed of
empowered by the Provincial Go
in the case of a building, if free a
such officer, he may, after givin
facility to withdraw to any wom

. (1) If, in the opinion of the Provincial Government, ssary or expedient so to do, for the purpose of securing c safety or the maintenance of public order they may, notified in the *Fort St. George Gazette*, prohibit or the entry of persons into any area or the plying of other crafts or vessels in inland waterways in any area.

2) Whoever contravenes any order made under on (1) shall be punished with imprisonment which nd to three years, or with fine, or with both."

section 10 of the said Act—

in sub-section (1), for the words " by order in writing n any movable property ", the words " requisition e any movable property or requisition any immovable ", and for the words " in connexion with the requisi- the words " in connexion with the requisitioning ition " shall be substituted ;

to the same sub-section, the following proviso shall , namely :—

' Provided that no property used for the purpose of worship shall be requisitioned or acquired under this on." ;

after sub-section (1), the following sub-sections shall ed, namely :—

(1-A) The requisition or acquisition shall be effected der in writing addressed to the person deemed by ncial Government to be in possession of the property, order shall be served on the person concerned in er prescribed by rules under this Act.

1-B) A copy of every order under sub-section (1-A) be served in the manner prescribed by rules under on the owner of the property which has been requisi- acquired, if he is not in possession thereof :

rovided that failure to comply with the provisions b-section shall not affect the validity of the order." ;

in sub-section (3), for the words " requisition any ", the words " requisition or acquire any movable " shall be substituted ;

in the proviso to the same sub-section, for the equisition " in both the places where it occurs, the requisition or acquisition " shall be substituted ;

after the same sub-section, the following sub- all be inserted, namely :—

(3-A) Whenever in pursuance of sub-section (1), incial Government requisition any immovable pro- ere shall be paid to the person interested in the such compensation as shall be determined in accord- the principles hereinafter set out, that is to say :—

(*a*) Where the amount of compensation can be agreement, it shall be paid in accordance with such t.

(*b*) Where no such agreement can be reached or where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, or where the person interested is not traceable or where there is no person competent to alienate the property, the Provincial Government shall appoint as arbitrator, a District Judge or an officer of the Provincial Government qualified for appointment as a District Judge.

Explanation.—For the purposes of this clause, the expression ' District Judge ' includes a Judge of the Madras City Civil Court.

(*c*) In determining the amount of compensation, the arbitrator shall have regard to the provisions of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable.

Central Act I of 1894.

(*d*) An appeal shall lie to the High Court against any decision of the arbitrator in every case where the total amount of compensation in respect of the property exceeds an amount prescribed by rules under this Act.

Explanation.—For the purposes of this sub-section, the expression ' person interested ' includes all persons claiming an interest in compensation to be made on account of the requisitioned property. " ;

(vii) in sub-section (4)—

(*a*) in the main paragraph, after the word " requisitioning ", the words " or acquiring " shall be inserted ;

(*b*) for clause (*b*), the following clause shall be substituted, namely :—

" (*b*) direct that, until the expiry of such period as may be specified in the order, the owner or other person in possession of the property shall not, without the permission of the Provincial Government, dispose of it or in the case of a building alter it structurally, or in the case of movable property remove it from the premises in which it is kept." ;

(viii) in sub-section (5), for the words " in relation to such property ", the words " in relation to such premises or property " shall be substituted.

Insertion of new sections 10-A and 10-B in Madras Act I of 1947.

9. After section 10 of the said Act, the following sections shall be inserted, namely :—

Summary power for taking possession of requisitioned or acquired property.

" 10-A. Any person remaining in possession of any property in contravention of any order made under section 10 may be summarily dispossessed of the property by any officer empowered by the Provincial Government in this behalf, and in the case of a building, if free access to it is not afforded to such officer, he may, after giving reasonable warning and facility to withdraw to any woman not appearing in public

according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

Release from requisition.

10-B. (1) Where any property requisitioned under section 10 is to be released from requisition, the Provincial Government may, after making such inquiry, if any, as they consider necessary, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the requisitioned property to the person specified in an order made under sub-section (1) shall be a full discharge of the Provincial Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.

(3) Where the person to whom possession of any requisitioned property is to be delivered cannot be found or has no agent or other person empowered to accept delivery on his behalf, the Provincial Government shall cause to be published in the *Fort St. George Gazette* a notice declaring that such property is released from requisition and in the case of immovable property shall also cause a copy thereof to be affixed on some conspicuous part of the property.

(4) When a notice referred to in sub-section (3) is published in the *Fort St. George Gazette*, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof; and the Provincial Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date."

Insertion of new section 12-A in Madras Act I of 1947.

10. After section 12 of the said Act, the following section shall be inserted, namely :—

Power to seize and search for copies of documents which have been forfeited.

" 12-A. If copies of any document are declared to be forfeited to His Majesty under section 2-B (2) or 9 (2), any police officer may seize the same wherever found in the Province; and any Magistrate may, by warrant, authorize any police officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such document may be or may be reasonably suspected to be."

11. After section 18 shall be inserted, namely

" 18-A. (1) The Pr cation in the *Fort St. Ge* out the purposes of this

(2) In particular lity of the foregoing pow

(*a*) the proced under section 10,

(*b*) the time w Court under section 10,

(*c*) the princip the costs of proceedings the sub-section aforesaid

Madras Ordinance II of 1948

12. The Madras Maint Ordinance, 1948, is herel

Provided that all n issued under any provisi Ordinance aforesaid and commencement of this and be deemed to have as if they had been provision of the said Act

Provided further that shall not affect any penal of any offence committe legal proceeding or remed punishment; and any s or remedy may be inst any such penalty or pun Ordinance aforesaid had n

(By order of Hi

Secret

MADRAS: PRINTED AND PUBLISHED

IV-B Ex.-2

ms of the country, remove or open
k open any door or do any other act
uch dispossession.

any property requisitioned under
eased from requisition, the Provincial
making such inquiry, if any, as they
cify by order in writing the person
he property shall be given.

y of possession of the requisitioned
n specified in an order made under
e a full discharge of the Provincial
ability in respect of such delivery, but
y rights in respect of property which
be entitled by due process of law to
on to whom possession of the property

person to whom possession of any
is to be delivered cannot be found or
person empowered to accept delivery
vincial Government shall cause to be
St. George Gazette a notice declaring
released from requisition and in the
perty shall also cause a copy thereof
onspicuous part of the property.

otice referred to in sub-section (3) is
t. George Gazette, the property specified
ase to be subject to requisition on and
ublication and shall be deemed to have
person entitled to possession thereof;
overnment shall not be liable for any
claim in respect of such property for
id date."

2 of the said Act, the following section
ly :—

of any document are declared to be
ty under section 2-B (2) or 9 (2), any
ize the same wherever found in the
agistrate may, by warrant, authorize
elow the rank of sub-inspector to enter
e same in any premises where any copy
y be or may be reasonably suspected

11. After section 18 of the said Act, the following section shall be inserted, namely :— Insertion of new section 18-A in Madras Act I of 1947.

" 18-A. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the procedure to be followed in arbitrations under section 10,

(*b*) the time within which an appeal to the High Court under section 10, sub-section (3-A), shall be preferred,

(*c*) the principles to be followed in apportioning the costs of proceedings before the arbitrator appointed under the sub-section aforesaid."

Madras Ordinance II of 1948

12. The Madras Maintenance of Public Order (Amendment) Ordinance, 1948, is hereby repealed : Repeal and savings.

Provided that all notifications and orders which were issued under any provision inserted in the said Act by the Ordinance aforesaid and were in force immediately before the commencement of this Act, shall continue to be in force and be deemed to have been issu d, and shall have effect as if they had been issued, under the corresponding provision of the said Act as amended by this Act :

Provided further that the repeal of the Ordinance aforesaid shall not affect any penalty or punishment incurred in respect of any offence committed against it, or any investigation, legal proceeding or remedy in respect of any such penalty or punishment ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty or punishment may be imposed, as if the Ordinance aforesaid had not been repealed.

(By order of His Excellency the Governor)

P. V. BALAKRISHNA IYER,
Secretary to Government, Legal Department.

MADRAS : PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS

IV-B Ex.-2

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

ACTION
is assigned to

AMERICAN EMBASSY

New Delhi, India, September 21, 1948.

DIVISION OF SOUTH ASIAN AFFAIRS

OCT 18 1948

Department of State

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DEPARTMENT OF STATE
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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

Sir:

I have the honor to submit five copies of an ordinance enacted by the Government of India on September 14, 1948, known as the "Public Safety Ordinance, 1948". This ordinance is intended to provide for special measures to ensure the public safety and interest and prevent any grave menace to the security of India".

In effect the ordinance is an enabling law which gives the Central Government, or the provincial governments, as the situation may require, power to control almost every phase of life. The law authorizes the enactment of rules for censorship of the posts, telegraphs, other communications and newspapers; to protect the Indian military forces; to insure the safety of ports, railways, sources of water supply, etc; to arrest and detain on suspicion any person believed to have acted, be acting, be about to act, or being likely to act in a manner prejudicial to the public safety or interest of India; to requisition property; to control the movements of foreigners; to impress vessels, aircraft, vehicles and animals for transportation; and to control agriculture, trade, or industry for the purpose of regulating or increasing the supply of items required in connection with the operation of the Indian forces. The ordinance further provides that no ruling under its provisions may be subject to review by any court, and that no suit, prosecution, or other legal proceeding shall be brought for any action performed in good faith under the regulations.

This new ordinance, which is yet to be implemented, would be used to place completely dictatorial power in the hands of the Government of India.

Respectfully

UNCLASSIFIED

OCT 26 1948

Respectfully yours,

Howard Donovan
Charge d'Affaires a.i.

Enclosure: 1 with orig

Public Safety Ordinance, 1948, in quintuplicate.

HTSmith/mb

Original and hectograph to Department
Copies: Embassy, London
Embassy, Karachi
Consulate General, Madras
Consulate General, Calcutta
Consulate General, Bombay

Registered No D-28

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, TUESDAY, SEPTEMBER 14, 1948

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 14th September 1948.

ORDINANCE No. XXIV OF 1948

AN

ORDINANCE

to provide for special measures to ensure the public safety and interest and to prevent any grave menace to the security of India

WHEREAS an emergency has arisen which renders it necessary to provide for special measures to ensure the public safety and interest and prevent any grave menace to the security of India;

AND WHEREAS the Governor-General has declared by Proclamation under section 102 of the Government of India Act, 1935 (26 Geo. 5, c. 2) that a grave emergency exists whereby the security of India is threatened by internal disturbance;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(*1*) This Ordinance may be called the Public Safety Ordinance, 1948.

(*2*) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State as respects the matters dealt with in this Ordinance, and it applies also—

(*a*) to servants of the Crown in any part of India;

(*b*) to British subjects who are domiciled in any part of India, wherever they may be;

(*c*) in respect of the regulation and discipline of any military, naval or air force raised in India, to members of, and persons attached to, employed with, or following, that force, wherever they may be;

(*d*) to, and to persons on, ships and aircraft registered in India, wherever they may be.

(*3*) It shall come into force at once.

2. Definition.—In this Ordinance, unless there is anything repugnant in the subject or context, "appropriate Government"—

(*a*) in a Governor's Province, means the Provincial Government in relation to any of the matters enumerated in the Provincial and Concurrent Legislative Lists in the Seventh Schedule to the Government of India Act, 1935, and the Central Government in relation to any other matter;

(*b*) elsewhere in India, means the Central Government in relation to all matters.

CHAPTER II.

Emergency powers.

3. Power to make rules.—(*1*) The appropriate Government may, by notification in the official Gazette, make such rules as appear to it to be necessary or expedient for securing the public safety, the maintenance of public order, the maintenance of supplies and services essential to the life of the community, or for preventing any grave menace to the security of India.

(*2*) Without prejudice to the generality of the powers conferred by subsection (*1*), the rules may provide for, or may empower any authority to make orders providing for, all or any of the following matters, namely:—

(*i*) prohibiting anything likely to prejudice the training, discipline or health of His Majesty's Indian forces;

(*ii*) preventing any attempt to tamper with the loyalty of persons in, or to dissuade (otherwise than with advice given in good faith to the person dissuaded for his benefit or that of any member of his family or any of his dependents) persons from entering, the service of His Majesty;

(*iii*) ensuring the safety and welfare of His Majesty's Indian forces, ships and aircraft;

(*iv*) preventing the spreading, without lawful authority or excuse, of false reports, or the prosecution of any purpose likely to cause disaffection or alarm, or to prejudice His Majesty's relations with foreign powers or to prejudice the maintenance of peaceful conditions in any tribal area or to promote feelings of enmity and hatred between different classes of His Majesty's subjects;

Explanation.—To point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of His Majesty's subjects does not amount to promoting such feelings within the meaning of this clause;

(*v*) preventing anything likely to prejudice in any way the successful conduct of any operations in which His Majesty's Indian forces may be engaged;

(*vi*) requiring the publication of news and information;

(*vii*) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and the removal of persons from such areas;

(*viii*) requiring any person or class of persons to comply with any scheme for securing the public safety or interest or preventing any grave menace to the security of India;

A microfilm project of

(*ix*) ensuring the safety of—

(*a*) ports, dockyards, lighthouses, light-ships and aerodromes,

(*b*) railways, tramways, roads, canals and all other means of transport by land or water,

(*c*) telegraphs, post offices, signalling apparatus and all other means of communication,

(*d*) sources of water-supply, works for the supply of water, gas or electricity, and all other works for purposes of a public character,

(*e*) vessels, aircraft, transport vehicles as defined in the Motor Vehicles Act, 1939 (IV of 1939), and rolling stock of railways and tramways,

(*f*) warehouses and all other places used or intended to be used for storage purposes,

(*g*) mines and factories,

(*h*) all works and structures being part of, or connected with, anything hereinbefore mentioned in this clause, and

(*i*) any other place or thing used or intended to be used for the purposes of Government or a local authority, or the protection of which it is considered necessary or expedient for securing the public safety or the maintenance of public order or for maintaining supplies and services essential to the life of the community or for preventing any grave menace to the security of India;

(*x*) the apprehension and detention in custody of any person whom the authority empowered by the rules to apprehend or detain, as the case may be, suspects, on grounds appearing to such authority to be reasonable, of having acted, acting, being about to act, or being likely to act in a manner prejudicial to the public safety or interest, the maintenance of public order, His Majesty's relations with foreign powers, or the maintenance of peaceful conditions in any tribal area, or with respect to whom such authority is satisfied that his apprehension and detention are necessary for the purpose of preventing him from acting in any such prejudicial manner, the prohibition of such person from entering or residing or remaining in any area, and the compelling of such person to reside and remain in any area, or to do or abstain from doing anything;

(*xi*) the control of persons entering, departing from, or travelling in, India, and of foreigners residing or being in India;

(*xii*) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals, in ports and territorial, tidal and inland waters;

(*xiii*) restricting the charter of foreign vessels;

(*xiv*) regulating the structure and equipment of vessels for the purpose of ensuring the safety thereof and of persons therein;

(*xv*) regulating work in dockyards and shipyards in respect of the construction and repairs of vessels;

(*xvi*) prohibiting or regulating the sailings of vessels from ports, traffic at aerodromes and the movement of aircraft, and traffic on railways, tramways and roads, and reserving, and requiring to be adapted, for the use of the appropriate Government, all or any accommodation in vessels, aircraft, railways, tramways or road vehicles for the carriage of persons, animals or goods;

(*xvii*) impressment of vessels, aircraft, vehicles and animals for transport;

(*xviii*) prohibiting or regulating the use of postal, telegraph or telephonic services, including the taking possession of such services and the delaying, seizing, intercepting or interrupting of postal articles or telegraphic or telephonic messages;

(*xix*) regulating the delivery, otherwise than by postal or telegraphic service, of postal articles and telegrams;

(*xx*) the control of agriculture, trade or industry for the purpose of regulating or increasing the supply of, and the obtaining of information with regard to, articles or things of any description whatsoever which can be used in connection with any operations in which His Majesty's Indian forces may be engaged, or for maintaining supplies and services essential to the life of the community;

(*xxi*) ensuring the ownership and control of mines by British subjects domiciled in India;

(*xxii*) controlling the possession, use or disposal of, or dealing in, coin, bullion, bank notes, currency notes, securities or foreign exchange;

(*xxiii*) the control of any road or pathway; of any waterway, ferry or bridge; or of any river, canal or other source of water-supply;

(*xxiv*) the requisitioning of any property, movable or immovable, including the taking possession thereof and the issue of any orders in respect thereof;

(*xxv*) prohibiting or regulating the possession, use or disposal of—

(*a*) explosives, inflammable substances, arms and ammunitions of war,

(*b*) vessels,

(*c*) wireless telegraphic apparatus,

(*d*) aircraft, and

(*e*) photographic and signalling apparatus and any means of recording information;

(*xxvi*) prohibiting or regulating the bringing into, or taking out of, India of goods or articles of any description (including coin, bullion, bank notes, currency notes, securities and foreign exchange), and applying the provisions of the Sea Customs Act, 1878 (VIII of 1878), and in particular section 19 thereof, to such prohibitions and regulations;

(*xxvii*) prohibiting or regulating the bringing into, or taking out of, India and the possession, use or transmission of ciphers and other secret means of communicating information;

(*xxviii*) prohibiting or regulating the publication of inventions and designs;

(*xxix*) preventing the disclosure of official secrets;

(*xxx*) prohibiting or regulating meetings, assemblies, fairs and processions;

(*xxxi*) preventing or controlling any use, calculated to prejudice the public safety or the maintenance of public order, of uniforms, flags and insignia and of anything similar thereto;

(*xxxii*) ensuring the accuracy of any report or declaration legally required of any person;

(*xxxiii*) preventing the unauthorised change of names;

(*xxxiv*) preventing anything likely to cause misapprehension in respect of the identity of any official person, official document or official property or in respect of the identity of any person, document or property purporting to be, or resembling, an official person, official document or official property;

(*xxxv*) entry into, and search of, any place reasonably suspected of being used for any purpose prejudicial to the public safety or interest, and for the seizure and disposal of anything found there and reasonably suspected of being used for such purpose.

(3) The rules made under sub-section (*1*) may further—

(*i*) provide for the arrest and trial of persons contravening any of the rules or any order issued thereunder;

(*ii*) provide that any contravention of, or any attempt to contravene, and any abetment of or attempt to abet the contravention of, any of the provisions of the rules, or any order issued under any such provision, shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both;

(*iii*) provide for the seizure, detention and forfeiture of any property in respect of which such contravention, attempt or abetment as is referred to in the preceding clause has been committed and for the adjudication of such forfeiture whether by a Court or by any other authority;

(*iv*) prescribe the duties and powers of public servants and other persons as regards preventing the contravention of, or securing the observance of, the rules or any order issued thereunder;

(*v*) provide for preventing obstruction and deception of, and disobedience to, any person acting, and interference with any notice issued, in pursuance of the rules or any order issued thereunder,

(*vi*) prohibit attempts by any person to screen from punishment any one, other than the husband or wife of such person, contravening any of the rules or any order issued thereunder;

(*vii*) empower or direct any authority to take such action as may be specified in the rules or as may seem necessary to such authority for the purpose of ensuring the public safety or interest;

(*viii*) provide for charging fees in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the rules.

(*4*) The appropriate Government may by order direct that any power or duty which by rule under sub-section (*1*) is conferred or imposed upon such Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to such Government or by any other authority.

(*5*) A Provincial Government may, by order, direct that any power or duty which by rule made by the Central Government under sub-section (*1*) is conferred or imposed on the Provincial Government, or which, being by such rule conferred or imposed on the Central Government, has been directed under sub-section (*4*) to be exercised or discharged by the Provincial Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority, not being (except in the case of a Chief Commissioner's Province) an officer or authority subordinate to the Central Government.

(*6*) Any rule made by the Central Government under sub-section (*1*) may confer powers and impose duties or authorise the conferring of powers and

imposition of duties upon the Government of an Acceding State or officers and authorities thereof to be designated for the purpose by the Government of that State.

4. Effect of rules, etc., inconsistent with other enactments.—Any rule made under section 3, and any order made under any such rule, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), or this Ordinance or in any instrument having effect by virtue of any enactment other than the Act aforesaid or this Ordinance.

5. Special powers to control civilian personnel employed in connection with His Majesty's Indian forces.—The Central Government may, by notification in the official Gazette, direct by general or special order that any persons who, not being members of His Majesty's Indian forces, are attached to, or employed with, or following those forces, shall be subject to military, naval or air force law, and thereupon such persons shall be subject to discipline, and liable to punishment for offences, under the Indian Army Act, 1911 (VIII of 1911), the Indian Navy (Discipline) Act, 1934 (XXXIV of 1934), or the Indian Air Force Act, 1932 (XIV of 1932), as the case may require, as if they were included in such class of persons subject to any of those Acts as may be specified in the notification.

6. Enhanced penalties.—(*1*) If any person, with intent to wage war against His Majesty or to assist any persons waging war with His Majesty, contravenes any provision of the rules made under section 3 or any order issued under any such rule, he shall be punishable with death, or transportation for life, or imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(*2*) If any person—

(*a*) contravenes any such provision of, or any such rule or order made under, the Indian Aircraft Act, 1934 (XXII of 1934), as may be notified in this behalf by the Central Government, or

(*b*) in any area notified in this behalf by a Provincial Government, contravenes any such provision of, or any such rule made under, the Indian Arms Act, 1878 (XI of 1878), the Indian Explosives Act, 1884 (IV of 1884), or the Explosive Substances Act, 1908 (VI of 1908), as may be notified in this behalf by the Provincial Government,

he shall, notwithstanding anything contained in any of the aforesaid Acts or rules made thereunder, be punishable with imprisonment for a term which may extend to five years, or, if his intention is to wage war against His Majesty or to assist any persons waging war with His Majesty, with death, transportation for life, or imprisonment for a term which may extend to ten years, and shall in either case also be liable to fine.

(*3*) For the purposes of this section, any person who attempts to contravene, or abets or attempts to abet or does any act preparatory to a contravention of, a provision of any law, rule or order, shall be deemed to have contravened that provision.

7. Amendment of certain Acts.—(*1*) Section 5 of the Indian Official Secrets Act, 1923 (XIX of 1923), shall have effect as if—

(*a*) in sub-section (*1*) thereof, after the words "in such a place" the words "or which relates to, or is used in, a protected area, as defined in the rules made under the Public Safety Ordinance, 1948, or relates to anything in such an area" had been inserted; and

(*b*) for sub-section (*4*) thereof, the following sub-section had been substituted, namely:—

"(*4*) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to five years, or, if such offence is committed with intent to wage war against His Majesty or to assist any persons waging war with His Majesty, with death, or transportation for life, or imprisonment for a term which may extend to ten years, and shall in either case also be liable to fine."

(*2*) Section 12 of the Indian Official Secrets Act, 1923 (XIX of 1923) shall have effect as if after clause (*a*) the following clause had been inserted, namely:—

"(*aa*) an offence under section 5 shall be a cognizable and non-bailable offence".

(*3*) The Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931) shall have effect as if in sub-section (*1*) of section 4 thereof, after clause (*b*) the following word and clause had been inserted, namely:—

"or

(*bb*) directly or indirectly convey any 'confidential information' or any 'prejudicial report' as defined in the rules made under the Public Safety Ordinance, 1948, or are calculated to instigate the contravention of any of those rules,".

(*4*) The Indian Aircraft Act, 1934 (XXII of 1934) shall have effect as if—

(*a*) at the end of clause (*r*) of sub-section (*2*) of section 5 the following words had been inserted, namely:—

"including the taking of steps necessary to secure compliance with, or to prevent contravention of, the rules regulating such matters, or, where any such rule has been contravened, to rectify, or to enable proceedings to be taken in respect of, such contravention";

(*b*) in clause (*b*) of sub-section (*1*) of section 8, for the words, brackets, letters and figures "clause (*h*) or clause (*i*) of sub-section (*2*) of section 5", the words, brackets, letters and figures "clauses (*d*), (*e*), (*h*), (*i*), (*k*) or (*l*) of sub-section (*2*) of section 5, or the commission of an offence punishable under section 11," had been substituted;

(*c*) in section 11, after the words "in the air" the words "or in such a manner as to interfere with any of His Majesty's Indian forces, ships or aircraft" had been inserted;

(*d*) in section 13, for the words, brackets, figures and letters "clause (*i*) or clause (*l*) of sub-section (*2*) of section 5" the words, brackets, figures and letters "clauses (*c*), (*d*), (*e*), (*h*), (*i*), (*j*), (*k*) or (*l*) of sub-section (*2*) of section 5, or punishable under section 11" had been substituted; and

(*e*) section 14 had been omitted.

(*5*) The Motor Vehicles Act, 1939 (IV of 1939) (in this sub-section referred to as the said Act) shall have effect subject to the following provisions, namely:—

"(*a*) The Provincial Government may—

(*1*) by general or special order in writing exempt from all or any of the provisions of Chapter IV of the said Act any transport vehicle used or required for use in connection with any work or purpose de-

clared by the Provincial Government in the order to be a work or purpose connected with the securing of the public safety, the maintenance of public order, the maintenance of supplies and services essential to the life of the community or the prevention of any grave menace to the security of India;

(2) by the same or like order authorise any authority to issue temporary permits and give directions not inconsistent with the other provisions of the said Chapter in respect of any such transport vehicles.

(*b*) If the Provincial Government by general or special order in writing so directs, the provisions of sub-section (*2*) of section 38 of the said Act shall have effect in relation to any motor vehicle or class of motor vehicles specified in the order as if the words 'not being in any case less than six months' were omitted."

CHAPTER III.

Supplemental.

8. Ordinary avocations of life to be interfered with as little as possible.—Any authority or person acting in pursuance of this Ordinance shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purposes of this Ordinance.

9. Savings as to orders.—(*1*) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.

(*2*) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Ordinance, a Court shall, within the meaning of the Indian Evidence Act, 1872 (I of 1872), presume that such order was so made by that authority.

10. Protection of action taken under Ordinance.—(*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule made thereunder or any orders issued under any such rule.

(*2*) Save as otherwise expressly provided by or under this Ordinance, no suit or other legal proceeding shall lie against the Central or a Provincial Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder or any orders issued under any such rule.

11. Powers and functions and legal protection of military and police forces of Acceding States when employed on military or police duties in the Provinces of India.—When any members of the military or police forces of an Acceding State are, with the authority of the Central or a Provincial Government, employed in any Province of India on military or police duties, then—

(*a*) sections 128, 130 and 131 of the Code of Criminal Procedure, 1898 (V of 1898) shall apply to officers, non-commissioned officers and men of the military force of such Acceding State when so employed, as if they were officers, non-commissioned officers and soldiers respectively of His Majesty's Indian land forces;

(*b*) any provision of law for the time being in force which invests a police officer in any Province of India with any status, power or function shall operate to invest a police officer of equivalent rank in the police force of such Acceding State with the like status, power and function; and for the purposes of the Code of Criminal Procedure, 1898 (V of 1898), an officer in any such force not below the rank equivalent to that of a sub-inspector

of police in a Province of India shall be deemed to be an officer-in-charge of a police station;

(*c*) any provision of law for the time being in force which gives protection, whether specifically or otherwise, to members of His Majesty's Indian military forces or of the police forces in the Provinces of India from or in respect of any prosecution or other legal proceedings or from or in respect of any other liability shall apply also to members of the military force or the police force of an Acceding State when so employed.

12. Compensation to be paid in accordance with certain principles for compulsory acquisition of immovable property, etc.—(*1*) Where under section 13 or under any rule made under this Ordinance, any action is taken of the nature described in sub-section (*2*) of section 299 of the Government of India Act, 1935, there shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say,—

(*a*) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(*b*) where no such agreement can be reached, the appropriate Government shall appoint as arbitrator a person qualified under sub-section (*3*) of section 220 of the Government of India Act, 1935, for appointment as a Judge of a High Court;

(*c*) the appropriate Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property acquired, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;

(*d*) at the commencement of the proceedings before the arbitrator, the appropriate Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(*e*) the arbitrator in making his award shall have regard to—

(*i*) the provisions of sub-section (*1*) of section 23 of the Land Acquisition Act, 1894 (I of 1894), so far as the same can be made applicable; and

(*ii*) whether the acquisition is of a permanent or temporary character;

(*f*) an appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf by rule made by the appropriate Government;

(*g*) save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

(*2*) The appropriate Government may make rules for the purpose of carrying into effect the provisions of this section.

(*3*) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the procedure to be followed in arbitrations under this section;

(*b*) the principles to be followed in apportioning the cost of proceedings before the arbitrator and on appeal;

(*c*) the maximum amount of an award against which no appeal shall lie.

13. Power to acquire requisitioned property.—(*1*) Without prejudice to any power to acquire property conferred by any rule made under this Ordinance,

any immovable property which has been requisitioned under any rule so made may, in the manner provided by any such rules for the acquisition of property, be acquired in the circumstances and by the Government hereinafter specified, namely,—

(*a*) where any works have, during the period of requisition, been constructed on, in or over the property wholly or partly at the expense of any Government, by that Government if it decides that the value of, or the right to use, such works shall by means of the acquisition of the property be preserved or secured for the purposes of any Government, or

(*b*) where the cost to any Government of restoring the property to its condition at the time of its requisition as aforesaid would, in the determination of that Government be excessive having regard to the value of the property at that time, by that Government;—

and at the beginning of the day on which notice of such acquisition is served or published under the aforesaid rules, the immovable property shall vest in the acquiring Government free from any mortgage, pledge, lien or similar encumbrance, and the period of the requisition thereof shall end.

(*2*) Any decision or determination of a Government under sub-section (*1*) shall be final, and shall not be called in question in any Court.

(*3*) For the purposes of this section "works" includes buildings, structures and improvements of the property, of every description.

14. Release from requisition.—(*1*) Where any property requisitioned under any rule made under this Ordinance is to be released from such requisition, the Government by which or under whose authority the property was requisitioned or any person generally or specially authorized by it in this behalf may, after such enquiry, if any, as it or he may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(*2*) The delivery of possession of the property to the person specified in an order made under sub-section (*1*) shall be a full discharge of the Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is given.

C. RAJAGOPALACHARI,
Governor-General.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

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FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

SECURITY : RESTRICTED PRIORITY: AIR POUCH

TO : Department of State 5 Enclosures

FROM : MADRAS 300 December 30, 1949

REF : (Madras Despatch No.723, January 25, 1947
(Madras Despatch No.138, May 28, 1948
(Madras Despatch No.272, September 18, 1948 & Airgram No.A-241, Oct.21, 1949.

SUBJECT : MADRAS MAINTENANCE OF PUBLIC ORDER ACT, 1949

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2 XR

There is enclosed herewith five copies of the Madras Maintenance of Public Order Act, 1949, as published on December 9, 1949 in the Fort St. George Gazette.

The Act was passed by the Madras Legislative Assembly on November 10, by the Legislative Council on November 17 and was approved by the Governor-General on December 6.

The Legislative History of this Act begins with the enactment of the Madras Maintenance of Public Order Act, 1947 on March 12, 1947. That Act was to have life for one year from that date subject to renewal by executive notification for a period, or periods, not aggregating more than one year. Such Notification was duly registered by the Provincial Government on March 12, 1948.

On May 25, 1948 the Executive promulgated the Madras Maintenance of Public/ order/ (Amendment) Ordinance, 1948 which amended the original Act by broadening the definition of persons against whom it applied.

On August 7 after passage by the legislature and due approval, the Madras Maintenance of Public Order (Amendment) Act, 1948 came into force. This Amendment extended the period of renewability by executive notification to three years, legislatively confirmed the amendments of the ordinance and added some new amendments extending the applicability of the original Act still further.

Again, on March 12, 1949, acting under the authority delegated by the Legislature, the Executive made notification of a further extension of the original Act as amended.

On August 11, 1949 the Executive promulgated the Madras Maintenance of Public Order (Removal of Doubts and Amendment) Ordinance, 1949. This edict sought to smooth over technical issues that had arisen over the question of the periods of validity of the several Acts and Ordinances. It also sought to amend the original Act further by providing that the Act shall not be declared unlawful on grounds of "any defect, vagueness or insufficiency, or any delay in any communication".

On October 12,

/After hearing 26 habeas corpus petitions, the High Court of Madras, referring to the decision of the Federal Court in the Bihar case, declared all the Ordinances and Amendments to the original Act invalid, and declared that that Act had ceased to have operation and died a natural death on March 12, 1948. The Court held that the delegation by the Legislature to the Executive

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of the power to renew the Act as the latter saw fit, was improper. Since the original Act had died, subsequent extensions and amendments to a legal nonentity were also of course invalid.

In the critical situation that followed this decision the Executive fell back on its basic ordinance-making power contained in Section 88(1) of the Government of India Act, 1935, and issued on October 19, 1949 Madras Ordinance No.IV of 1949. This ordinance reproduced in full the Madras Maintenance of Public Order Act, 1947 with all amendments proposed to that date, and added two new sections at the end which debarred any judicial or other action on grounds of invalidity of the earlier Acts and Ordinances, and exempted officials from any legal liability or responsibility in the execution of the Ordinance. It was made retroactive to March 12, 1948. Such an ordinance requires legislative confirmation at the first session thereafter.

The Madras Maintenance of Public Order Act, 1949 is essentially little more than that legislative confirmation. It is to take effect immediately and continue in force until September 30, 1952. There is no provision for renewability. As indicated, the Act is merely the 1947 Act plus all the amendments made in the interim. Debate centered around the amendments added since the last legislative debate on the issue in August of 1948. These were Section 4-A which debars judicial consideration of vagueness, insufficiency, etc; Section 4-B which provides for temporary release on bond; and new Sections 19 and 20 which debar judicial consideration of the validity or invalidity of previous laws, and provide for exemption from liability and responsibility of officials in the execution of the Act.

A great deal has already been said as to the democratic character of this legislation, and it seems needless to add that it violates almost every basic principal of civil liberty conceivable. The Law Minister defended against criticism on the Assembly floor by pointing out that the police have been instructed by the Executive to be very restrained in executing the Act. This, he deemed, was sufficient guaranty of justice. He advanced the dictum that the safety of many cannot be jeopardized for the welfare of a few.

The Madras Mail and the Liberator opposed the extension of these powers, but most papers conceded that they were an unpleasant necessity.

There is a striking difference, however, in the application of this type of police legislation here from that in Iron Curtain countries, for instance. In the latter, the police are utilized aggressively as an instrument of conquest. Here they are being utilized rather desperately in a struggle against disintegration.

Enclosure:
5 copies of Act

Robert B. Streeper
American Consul General

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Enclosure
Madras, 300, December 30, 1949

Registered No. M-1. [PRICE, 1 a. 3 p.

THE FORT ST. GEORGE GAZETTE

PART IV-B—EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 29] MADRAS, FRIDAY, DECEMBER 9, 1949

The following Act of the Madras Legislature received the assent of His Excellency the Governor-General on the 6th December 1949, and is hereby published for general information :—

ACT No. XXIII OF 1949.

An Act to provide for preventive detention, imposition of collective fines, control of meetings and processions and of essential services, and certain other purposes.

WHEREAS it is necessary for the maintenance of public safety and to prevent and put down disorders involving menace to the peace and tranquillity of the Province to provide for preventive detention, imposition of collective fines control of meetings and processions and of services essential to the life of the community, and certain other purposes; It is hereby enacted as follows :—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Madras Maintenance of Public Order Act, 1949.

(2) It extends to the whole of the Province of Madras.

(3) It shall come into force at once and shall remain in force up to and inclusive of the 30th September 1952.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891, shall apply as if this Act had then been repealed by a Madras Act.

Madras Act I of 1891.

Power to make orders restricting the movements or actions of or detaining certain persons.

2. (1) The Provincial Government, if satisfied with respect to any particular person that he is acting or about to act or likely to act in any manner prejudicial to the public safety or the maintenance of public order and with a view to preventing him, it is necessary so to do, may make an order—

(*a*) directing that he be detained;

(*b*) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in the Province as may be specified in the order ;

(*c*) requiring him to reside or remain in such place or within such area in the Province as may be specified in the order and if he is not already there to proceed to that place or area within such time as may be specified in the order ;

(*d*) requiring him to notify his movements in such manner, at such times and to such authority or person, as may be specified in the order ;

(*e*) prohibiting him from being out of doors between such hours as may be specified in the order except under the authority of a written permit granted by such authority or person as may be specified therein ;

(*f*) prohibiting him from travelling except in accordance with the permission given to him by such authority or person as may be specified in the order ;

(*g*) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions ;

(*h*) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order ;

(*i*) for such incidental and supplementary matters as may be necessary for the purpose of giving effect to any order under this sub-section.

(2) When any order is made under sub-section (1) by an officer or authority empowered under section 15, that officer or authority shall forthwith report the fact to the Provincial Government together with the grounds on which the order has been made and such other particulars as, in the opinion of such officer or authority, have a bearing on the necessity for or expediency of the order.

(2-A) No order of detention made in respect of any person under sub-section (1), by an officer or authority empowered under section 15 shall be deemed to be invalid solely because the place of detention specified in the order is situate outside the limits of the territorial jurisdiction of the officer or authority making such order.

(3) An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions in the order as may be specified in the order.

(4) If any person is in any area or place in contravention of an order made under sub-section (1), or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-section (6), he may be removed from such area or place by any police officer or by any person acting on behalf of the Provincial Government.

(5) So long as there is in force in respect of any person such an order as aforesaid directing that he be detained he shall be liable to be removed to and detained in such place and under such conditions, including conditions as to maintenance, discipline and the punishment of offences and breaches of discipline, as the Provincial Government may, from time to time by general or special order, specify.

(6) If the Provincial Government have reason to believe that a person in respect of whom such an order as aforesaid has been made directing that he be detained has absconded or is concealing himself so that the order cannot be executed, they may—

(*a*) make a report in writing of the fact to a Presidency Magistrate or Magistrate of the first class, as the case may be, having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply, in respect of the said person and his property, as if the order directing that he be detained were a warrant issued by the Magistrate;

Central Act V of 1898.

(*b*) by order notified in the *Fort St. George Gazette* and published in such other manner as they think fit, direct the said person to appear before such officer, at such place, and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith, and that he had, within the period specified in the order, informed the officer of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(7) If any person contravenes any order made under this section, other than an order of the nature referred to in clause (*b*) of sub-section (6), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and if such person has entered into a bond in pursuance of the provisions of sub-section (3), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

Punishment for harbouring or concealing persons ordered to be detained.

2-A. (1) Whoever, knowing or having reason to believe that an order for the detention of any person has been made under section 2 (1), clause (*a*), harbours or conceals such person, shall be punishable with imprisonment for a term which shall not be less than three months or more than two years, and shall also be liable to a fine which may extend to one thousand rupees.

(2) In sub-section (1), the word 'harbours' includes the supplying with a view to evade apprehension a person with food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this sub-section or not, to evade apprehension.

(3) Sub-section (1) does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

Punishment for reproducing or publishing statements, etc., made by persons ordered to be detained.

2-B. (1) Whoever prints or otherwise reproduces, sells, distributes, publishes, or publicly exhibits or keeps for sale, distribution or publication, any document consisting of or containing—

(*a*) any statement, oral or written, or any sketch or cartoon, made by, or purporting to be made by, or at the instance or on behalf of, any person for whose detention an order has been made under section 2 (1), clause (*a*),

(*b*) any statement, oral or written, or any sketch or cartoon, made by, or purporting to be made by, or at the instance or on behalf of, any person, in contravention of any order made against him, under section 2 (1), clause (*g*),

(*c*) any rendering, part or summary of any statement referred to in clause (*a*) or clause (*b*), or the purport of any such statement, part or summary, or

(*d*) any translation of any such statement or part or summary thereof into any other language, or any rendering, summary or purport of any such statement or part, in any other language,

shall be punishable with imprisonment for a term which shall not be less than three months or more than two years and shall also be liable to a fine which may extend to one thousand rupees.

(2) The Provincial Government may, by notification in the *Fort St. George Gazette*, declare every copy of any document which, in their opinion, is of the description specified in sub-section (1), to be forfeited to His Majesty.

Explanation.—Nothing in this section applies to the evidence given by any witness or to counsel in the course of any proceeding conducted in respect of any such offence or to reproduction by any officer or authority in the course of official duty.

3. (1) Where an order in
the Provincial Government
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subordinate to them, after
sub-section (2) of that sect
shall communicate to the pe
as such communication can
facts which they consider wo
to disclose, the grounds on
against him and such other
sufficient to enable him to m
tion against the order; and s
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representation in writing to
shall be the duty of the Prov
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him opportunity of doing so.

(2) After the receipt of
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(3) The Provincial Gov
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(4) The Advisory Cou
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(5) After considering th
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4. (1) No order made und
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that period cancel the order.

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(1) Whoever, knowing or having reason to believe that r for the detention of any person has been made under 2 (1), clause (*a*), harbours or conceals such person, punishable with imprisonment for a term which shall less than three months or more than two years, and o be liable to a fine which may extend to one thousand

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(*c*) any rendering, part or summary of any statement to in clause (*a*) or clause (*b*), or the purport of any tement, part or summary, or

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punishable with imprisonment for a term which shall ess than three months or more than two years and shall liable to a fine which may extend to one thousand

) The Provincial Government may, by notification *Fort St. George Gazette*, declare every copy of any docu- hich, in their opinion, is of the description specified ection (1), to be forfeited to His Majesty.

xplanation.—Nothing in this section applies to the e given by any witness or to counsel in the course of ceeding conducted in respect of any such offence production by any officer or authority in the course ial duty.

Grounds of order of detention to be disclosed to person affected and to be placed before Advisory Council.

3. (1) Where an order in respect of any person is made by the Provincial Government under sub-section (1) of section 2 or where any such order is made by any officer or authority subordinate to them, after receipt of the report specified in sub-section (2) of that section, the Provincial Government shall communicate to the person affected by the order, so far as such communication can be made without disclosing the facts which they consider would be against the public interest to disclose, the grounds on which the order has been made against him and such other particulars as are in their opinion sufficient to enable him to make, if he wishes, a representation against the order; and such person may, within such time as may be specified by the Provincial Government, make a representation in writing to them against the order and it shall be the duty of the Provincial Government to inform such person of his right of making such representation and to afford him opportunity of doing so.

(2) After the receipt of the representation referred to in sub-section (1) or in case no representation is received, after the expiry of the time fixed therefor, the Provincial Government shall place before an Advisory Council constituted under sub-section (3), the grounds on which the order has been made and in case such order has been made by an authority or officer subordinate to them the report made by him under sub-section (2) of section 2 and the representation, if any, made by the person concerned.

(3) The Provincial Government shall whenever necessary constitute one or more Advisory Councils and each Council shall consist of not less than three members one of whom shall be its Chairman. The Chairman and the members of each Council shall be appointed by the Provincial Government.

(4) The Advisory Council shall, after considering the materials placed before it and, if necessary, after calling for such further information from the Provincial Government or from the person concerned, as it may deem necessary, submit its report to the Provincial Government.

(5) After considering the report of the Advisory Council, the Provincial Government may confirm, modify or cancel the order made under sub-section (1) of section 2.

Duration of orders made under section 2.

4. (1) No order made under section 2 shall be in force for more than six months from the date on which it is confirmed or modified under sub-section (5) of section 3; but the Provincial Government may at any time before the expiry of that period cancel the order.

(2) If in the opinion of the Provincial Government it is necessary or expedient so to do, they may at any time before the expiry of the period of six months aforesaid and after giving an opportunity to the person concerned to make any representation in writing which he may desire to make and

after referring the matter to the Advisory Council and considering its report, direct that the order shall continue in force and the order as so extended shall continue for a further period of six months from the date on which but for such direction it would have ceased to be in force and thereafter if and so often as it is again extended by a further similar direction made in the same manner.

(3) The revocation of any order made under sub-section (1) of section 2 shall not prevent the making under that sub-section of a fresh order to the same effect as the order revoked.

Orders of detention not to be questioned on certain grounds.

4-A. No order of detention made in respect of any person in pursuance of any of the foregoing provisions shall be deemed to be invalid or unlawful or improper on the ground of any defect, vagueness, insufficiency or delay in any communication made to such person under this Act.

Temporary release of detenu.

4-B. (1) The Provincial Government may, by order, release for a temporary period any person detained under section 2 subject to such conditions as they may by general or special order specify ; and any such order may be revoked by them at any time.

(2) Before releasing a detenu under sub-section (1), the Provincial Government may require him to enter into a bond with or without sureties, for the due performance of the conditions imposed by them.

(3) Any person released under sub-section (1) shall surrender himself at the time and place and to the authority specified, in the order of release, or in the order revoking it, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in accordance with sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to observe any condition imposed in the bond entered into by him, his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of a Presidency Magistrate or Magistrate of the first class why it should not be paid.

Imposition of collective fines.

5. (1) If it appears to the Provincial Government that the inhabitants of any area are concerned in, or abetting the commission of, offences prejudicially affecting the public safety or the maintenance of public order, or the maintenance of supplies and services essential to the life of the community or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders,

or are suppressing material evidenc
such offences, the Provincial Governm
in the *Fort St. George Gazette* and by
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inhabitants of that area :

Provided that an imposition of
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(2) The Provincial Government
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(3) The Chief Presidency Ma
Magistrate, as the case may be, afte
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of the respective means of such inhab

(4) In any such apportionme
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of the fine as may be assigned to it.

(5) The portion of such fine
(including a joint or undivided fam

Central Act 7 of 1898.

(*a*) in the manner provided
Procedure, 1898, for the recovery of
as if such portion were a fine imposed
as a Court :

Provided that the Provinci
lieu of the rules referred to in sub-s
of the Code of Criminal Procedure, 1
Act regulating the manner in
clause (*a*) of sub-section (1) of the
Code are to be executed, and for th
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execution of the warrant ; or

Central Act V of 1898.

(*b*) as arrears of land revenu

6. (1) The Provincial Governmen
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re failing to render all the assistance in their
cover or apprehend the offender or offenders,

or are suppressing material evidence of the commission of such offences, the Provincial Government may, by notification in the *Fort St. George Gazette* and by publication in such other manner as they think fit, impose a collective fine on the inhabitants of that area :

Provided that an imposition of a collective fine by any officer or authority to whom the power may have been delegated under this Act may be made by publication of the order imposing the fine in such manner as such officer or authority may consider best calculated to bring the order to the notice of the inhabitants of the area concerned.

(2) The Provincial Government or any officer empowered by them in this behalf may, by general or special order, exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The Chief Presidency Magistrate or the District Magistrate, as the case may be, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the Magistrate's judgment of the respective means of such inhabitants.

(4) In any such apportionment, the Magistrate may direct a joint or undivided family as such to pay such portion of the fine as may be assigned to it.

(5) The portion of such fine payable by any person (including a joint or undivided family) may be recovered—

Central Act 7 of 1898.

(*a*) in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court, as if such portion were a fine imposed by the Magistrate acting as a Court :

Provided that the Provincial Government may, in lieu of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure, 1898, make rules under this Act regulating the manner in which warrants under clause (*a*) of sub-section (1) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant ; or

Central Act V of 1898.

(*b*) as arrears of land revenue.

Control of meetings, processions, etc.

6. (1) The Provincial Government may, for the purpose of securing public safety, or the maintenance of public order or the maintenance of supplies and services essential to the life of the community, by general or special order, prohibit, restrict or impose conditions upon the holding of processions, meetings or assemblies by a class of persons or organizations whose activities, in the opinion of the Provincial Government, are subversive of law and order.

(2) If any person contravenes any order issued under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Control of camps, drill or parades.

7. (1) The Provincial Government may, in the interests of public security or maintenance of public order, by order, prohibit or impose such conditions as may be necessary on the holding of camps or performance of drill or parade with or without arms, or any article, weapon or implement capable of being used as arms by any class of persons or organizations whose activities are in the opinion of the Provincial Government subversive of law and order.

(2) Any contravention of an order made under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Wearing or display of uniforms, etc.

7-A. (1) If the Provincial Government are satisfied that—

(*a*) the wearing in public of any dress or article of dress resembling any uniform or part of a uniform required to be worn by a member of the armed forces of the Dominion of India or of any Police or other force constituted under any law for the time being in force, or

(*b*) the wearing or display in public of any distinctive dress or article of dress or any emblem or token,

is likely to prejudice the public safety or the maintenance of public order, or communal harmony, they may, by order notified in the *Fort St. George Gazette*, prohibit or regulate the wearing or display in public of any such dress, article of dress, emblem or token.

(2) For the purposes of this section, a person, wherever he may be, shall be deemed to wear or display in public, a dress, article of dress, emblem or token, if it is so worn or displayed as to be visible from any place to which public have access.

(3) Whoever contravenes any order made under this section shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Possession of unlicensed arms and import of arms prohibited in disturbed areas.

7-B. (1) When any disturbance has broken out or is apprehended in any area in the Province of Madras, the Provincial Government may, by notification in the *Fort St. George Gazette*, declare such area to be a disturbed area.

(2) Notwithstanding anything in any other law for the time being in force, if, in any area which has been notified by the Provincial Government to be a disturbed area, any arms for which he has no valid licence are found in the possession of any person or, in any premises which are ordinarily in his occupation or control, then, such person shall be punishable with imprisonment for a term which may extend to five years or with fine or with both :

Provided that no perso
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(3) Whoever imports a
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to be a disturbed area without
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such area shall be punishable
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(4) No prosecution sh
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8. (1) If the Provincial
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(*a*) disobeys any law
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punishable with imprisonment for a term which
one year, or with fine, or with both.

the Provincial Government are satisfied that—
wearing in public of any dress or article of
ng any uniform or part of a uniform required
a member of the armed forces of the Dominion
any Police or other force constituted under any
me being in force, or

wearing or display in public of any distinctive
of dress or any emblem or token,

judice the public safety or the maintenance of
or communal harmony, they may, by order
Fort St. George Gazette, prohibit or regulate the
play in public of any such dress, article of
or token.

he purposes of this section, a person, wherever
ll be deemed to wear or display in public, a dress,
, emblem or token, if it is so worn or displayed
from any place to which public have access.

ver contravenes any order made under this
be punishable with imprisonment for a term
end to three years or with fine or with both.

hen any disturbance has broken out or is appre-
area in the Province of Madras, the Provincial
may, by notification in the *Fort St. George*
such area to be a disturbed area.

ithstanding anything in any other law for the
orce, if, in any area which has been notified by
Government to be a disturbed area, any arms
as no valid licence are found in the possession
or in any premises which are ordinarily in
or control, then, such person shall be punish-
risonment for a term which may extend to
ith fine or with both:

Provided that no person shall be deemed to have committed any offence under this sub-section in respect of any arms found in any premises which are ordinarily in his occupation or control, if he proves that he had no knowledge of such arms being in such premises and that he had taken reasonable care to prevent such arms being kept therein.

(3) Whoever imports arms of any description into any area which has been notified by the Provincial Government to be a disturbed area without a licence in that behalf obtained from a magistrate of the first class having jurisdiction over such area shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both, and the Court trying the offence shall order that the arms in respect of which the offence has been committed shall be forfeited to His Majesty.

(4) No prosecution shall be instituted against any person for an offence punishable under this section except with the previous sanction of the Provincial Government.

(5) For the purposes of this section, 'arms' includes firearms, bayonets, swords, daggers, spears, spearheads, bows and arrows and parts of such arms.

Control of essential services.

8. (1) If the Provincial Government are of opinion that any employment under the Provincial Government or any employment or class of employment connected with matters falling within Lists II and III of the Seventh Schedule to the Government of India Act, 1935 (Provincial and Concurrent Legislative Lists), is essential for the purpose of securing public safety, the maintenance of public order or the maintenance of supplies and services essential to the life of the community, they may, after notifying the employment or class of employment in the *Fort St. George Gazette* and publishing it in such other manner as they think fit, direct, by general or special order, that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

21 Geo. 5, ch. 2.

(2) An order made under sub-section (1) shall be published in such manner as the Provincial Government or officer or authority making the order may consider best calculated to bring it to the notice of the persons affected by the order.

(3) Any person engaged in any employment or class of employment notified under sub-section (1) who—

(*a*) disobeys any lawful order given to him in the course of such employment, or

(*b*) without reasonable excuse abandons such employment or absents himself from work, or

(*c*) departs from any area specified in an order under sub-section (1) without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment notified under sub-section (1) who without reasonable cause—

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment,

shall be guilty of an offence under this section.

Explanation 1.—Abandonment of employment or absence from duty by any person merely for fear of molestation, intimidation or assault by any person or class of persons shall not constitute a reasonable excuse within the meaning of clause (*b*).

Explanation 2.—A person abandons his employment within the meaning of clause (*b*), who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer.

Explanation 3.—An employer discontinues the employment of his employee within the meaning of clause (i), who, notwithstanding that it is an express or implied term of the contract of employment that he may terminate the employment on giving notice to the employee of his intention to do so, terminates the employment without the previous consent of the employee.

(4) Any person found guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(5) If the person contravening any of the provisions of this section is a company or other body corporate, every director-in-charge, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Power to impose censorship.

9. (1) The Provincial Government may, for the purpose of securing the public safety or the maintenance of public order, by order addressed to a printer, keeper of a printing press, publisher or editor, or to printers, keepers of printing presses, publishers and editors generally—

(*a*) require that all matter, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order ;

(*b*) prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any

Central Act XXIII of 1931.

press, as defined in the I
Act, 1931 ;

(*c*) require that any
of any matter published in
paper be published in any
newspaper in such manner a

(1-A) The Provincial
of securing the public safe
order, by order notified in th
or regulate the entry into, c
tion in, the Province of Ma
document or class of docum

(2) If any person co
sub-section (1), or sub-sectio
to any other proceedings
such person, the Provincial
forfeited to His Majesty e
respect of which the order
press, as defined in the I
Act, 1931, used in the mak

Central Act XXIII of 1931.

(3) If any person co
this section, he shall be pu
a term which may extend t
both.

(4) For the purpo
includes—

(*a*) a newspaper, th
containing public news or co

(*b*) a news-sheet, th
a periodical work) containi
public news ;

(*c*) a book, that is
leaflet in any language, or
volume, pamphlet or leafle

(*d*) any sheet of mu
printed or lithographed ; an

(*e*) any painting,
visible representation.

9-A. (1) If, in the opini
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or the maintenance of pub
of any commodity, article
Provincial Government ma
St. George Gazette, direct th
commodity, article or thin
permission in writing of th
Presidency-town or of the D

mployer of a person engaged in an employment
employment notified under sub-section (1) who
sonable cause—

) discontinues the employment of such person, or

ii) by closing an establishment in which such
gaged, causes the discontinuance of his employ-

lty of an offence under this section.

planation 1.—Abandonment of employment or
m duty by any person merely for fear of molesta-
dation or assault by any person or class of persons
onstitute a reasonable excuse within the meaning
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planation 2.—A person abandons his employment
meaning of clause (*b*), who, notwithstanding that
press or implied term of his contract of employ-
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planation 3.—An employer discontinues the em-
f his employee within the meaning of clause (i),
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y person found guilty of an offence under this
l be punishable with imprisonment for a term
extend to one year, or with fine, or with both.

he person contravening any of the provisions of this
company or other body corporate, every director-
anager, secretary or other officer or agent thereof
s he proves that the contravention took place
knowledge or that he exercised all due diligence to
h contravention, be deemed to be guilty of such
on.

he Provincial Government may, for the purpose
the public safety or the maintenance of public
der addressed to a printer, keeper of a printing
her or editor, or to printers, keepers of printing
lishers and editors generally—

require that all matter, or any matter relating
lar subject or class of subjects, shall, before being
any document or class of documents, be submitted
to an authority specified in the order;

prohibit or regulate the making or publishing of
nt or class of documents, or of any matter relating
lar subject or class of subjects, or the use of any

press, as defined in the Indian Press (Emergency Powers) Act, 1931; Central Act XXIII of 1931.

(*c*) require that any matter relating to or arising out of any matter published in any previous issue of any newspaper be published in any particular issue or issues of such newspaper in such manner as may be specified in the order.

(1-A) The Provincial Government may for the purpose of securing the public safety or the maintenance of public order, by order notified in the *Fort St. George Gazette*, prohibit or regulate the entry into, or the circulation, sale or distribution in, the Province of Madras or any part thereof, of any document or class of documents.

(2) If any person contravenes any order made under sub-section (1), or sub-section (1-A), then, without prejudice to any other proceedings which may be taken against such person, the Provincial Government may declare to be forfeited to His Majesty every copy of any document in respect of which the order has been contravened and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used in the making of such document. Central Act XXIII of 1931.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

(4) For the purposes of this section, 'document' includes—

(*a*) a newspaper, that is to say, any periodical work containing public news or comments on public news;

(*b*) a news-sheet, that is to say, any work (other than a periodical work) containing public news or comments on public news;

(*c*) a book, that is to say, any volume, pamphlet or leaflet in any language, or any part or division of any such volume, pamphlet or leaflet;

(*d*) any sheet of music, map, chart or plan, separately printed or lithographed; and

(*e*) any painting, drawing or photograph or other visible representation.

Control of commodities, etc.

9-A. (1) If, in the opinion of the Provincial Government, it is essential for the purpose of securing the public safety, or the maintenance of public order, to restrict the removal of any commodity, article or thing from the Province, the Provincial Government may, by order notified in the *Fort St. George Gazette*, direct that no person shall remove such commodity, article or thing from the Province, without the permission in writing of the Commissioner of Police in the Presidency-town or of the District Magistrate elsewhere

(2) Whoever contravenes any order made under sub-section (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Incitement to violence, etc.

9 B (1) Whoever by words spoken or written, or by signs or visible representations or otherwise, directly or indirectly instigates or incites any person to use criminal force or violence or to commit mischief against the person or property of any individual or individuals or any section of the public either immediately or on the occurrence or the likelihood of the occurrence of a contingency, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) No prosecution shall be instituted against any person for an offence punishable under this section, except with the previous sanction of the Chief Presidency Magistrate in the Presidency-town and of the District Magistrate concerned elsewhere.

Protected areas and waterways.

9-C. (1) If, in the opinion of the Provincial Government, it is necessary or expedient so to do, for the purpose of securing the public safety or the maintenance of public order they may, by order notified in the *Fort St. George Gazette*, prohibit or regulate the entry of persons into any area or the plying of boats or other crafts or vessels in inland waterways in any area.

(2) Whoever contravenes any order made under sub-section (1) shall be punishable with imprisonment which may extend to three years or with fine, or with both.

Requisitioning and acquisition of property.

10. (1) If, in the opinion of the Provincial Government, it is necessary or expedient so to do for securing public safety or the maintenance of public order, or the maintenance of supplies and services essential to the life of the community, they may requisition or acquire any movable property or requisition any immovable property and may make such further orders as appear to them to be necessary or expedient in connexion with the requisitioning or acquisition:

Provided that no property used for the purpose of religious worship shall be requisitioned or acquired under this sub-section.

(1-A) The requisition or acquisition shall be effected by an order in writing addressed to the person deemed by the Provincial Government to be in possession of the property, and such order shall be served on the person concerned in the manner prescribed by rules under this Act.

(1-B) A copy of every order under sub-section (1-A) shall also be served in the manner prescribed by rules under this Act on the owner of the property which has been requisitioned or acquired, if he is not in possession thereof:

Provided that failure to comply with the provisions of this sub-section shall not affect the validity of the order.

(2) Where the Provin
any property under sub-se
the property in such man
expedient.

(3) Whenever, in pu
vincial Government requ
property, the owner there
as they may determine:

Provided that, where
or acquisition, the proper
agreement in the possessio
the amount determined b
total compensation payab
acquisition shall be appo
owner in such manner as
of agreement in such mann
Provincial Government in

(3-A) Whenever in p
vincial Government req
there shall be paid to th
such compensation as sha
the principles hereinafter

(*a*) Where the an
by agreement, it shall
agreement.

(*b*) Where no such
there is any dispute as to
or as to the apportionme
or where the person inter
is no person competent to
Government shall appoin
an officer of the Provinci
ment as a District Judge.

Explanation.—Fo
expression 'District Judg
City Civil Court.

(*c*) In determinin
arbitrator shall have reg
the Land Acquisition A
made applicable.

Central Act I of 1894.

(*d*) An appeal sh
decision of the arbitrator
of compensation in respe
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Explanation.—For
expression 'person inte
an interest in compensa
requisitioned property.

ver contravenes any order made under sub-
ll be punish ible with imprisonment for a term
end to one year, or with fine, or with both.

Whoever by words spoken or written, or by signs
esentations or otherwise, directly or indirectly
ncites any person to use criminal force or
commit mischief against the person or property
ual or individuals or any section of the public
tely or on the occurrence or the likelihood of
of a contingency, shall be punishable with
for a term which may extend to three years,
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rosecution shall be instituted against any person
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in the opinion of the Provincial Government,
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y or the maintenance of public order they may,
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rafts or vessels in inland waterways in any area.
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years or with fine, or with both.

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public order, or the maintenance of supplies
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that no property used for the purpose of reli-
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shall be served on the person concerned in
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served in the manner prescribed by rules
ct on the owner of the property which has
ned or acquired, if he is not in possession

that failure to comply with the provisions of
shall not affect the validity of the order.

(2) Where the Provincial Government have requisitioned any property under sub-section (1), they may use or deal with the property in such manner as may appear to them to be expedient.

(3) Whenever, in pursuance of sub-section (1), the Provincial Government requisition or acquire any movable property, the owner thereof shall be paid such compensation as they may determine :

Provided that, where immediately before the requisition or acquisition, the property was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined by the Provincial Government as the total compensation payable in respect of the requisition or acquisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement in such manner as an arbitrator appointed by the Provincial Government in this behalf may decide to be just.

(3-A) Whenever in pursuance of sub-section (1), the Provincial Government requisition any immovable property, there shall be paid to the person interested in the property such compensation as shall be determined in accordance with the principles hereinafter set out, that is to say—

(*a*) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

(*b*) Where no such agreement can be reached or where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, or where the person interested is not traceable or where there is no person competent to alienate the property, the Provincial Government shall appoint as arbitrator, a District Judge or an officer of the Provincial Government qualified for appointment as a District Judge.

Explanation.—For the purposes of this clause, the expression ' District Judge ' includes a Judge of the Madras City Civil Court.

(*c*) In determining the amount of compensation, the arbitrator shall have regard to the provisions of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable.

Central Act I of 1894.

(*d*) An appeal shall lie to the High Court against any decision of the arbitrator in every case where the total amount of compensation in respect of the property exceeds an amount prescribed by rules under this Act.

Explanation.—For the purposes of this sub-section, the expression ' person interested ' includes all persons claiming an interest in compensation to be made on account of the requisitioned property.

(4) The Provincial Government may, with a view to requisitioning or acquiring any property under sub-section (1) or determining the compensation payable under sub-section (3), by order—

(*a*) require any person to furnish to such authority as may be specified in the order, such information in his possession relating to the property as may be so specified ;

(*b*) direct that, until the expiry of such period as may be specified in the order, the owner or other person in possession of the property shall not without the permission of the Provincial Government, dispose of it or in the case of a building alter it structurally, or in the case of movable property remove it from the premises in which it is kept.

(5) Without prejudice to any powers otherwise conferred by this section, any person authorized in this behalf by the Provincial Government may enter any premises and inspect such premises and any property therein or thereon for the purpose of determining whether, and if so, in what manner, an order under this section should be made in relation to such premises or property or with a view to securing compliance with any order made under this section.

(6) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Summary power for taking possession of requisitioned or acquired property.

10-A. Any person remaining in possession of any property in contravention of any order made under section 10 may be summarily dispossessed of the property by any officer empowered by the Provincial Government in this behalf, and in the case of a building, if free access to it is not afforded to such officer, he may, after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

Release from requisition.

10-B. (1) Where any property requisitioned under section 10 is to be released from requisition, the Provincial Government may, after making such inquiry, if any, as they consider necessary, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the requisitioned property to the person specified in an order made under sub-section (1) shall be a full discharge of the Provincial Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.

vincial Government may, with a view to equiring any property under sub-section (1) compensation payable under sub-section (3),

any person to furnish to such authority fied in the order, such information in his to the property as may be so specified;

that, until the expiry of such period as may order, the owner or other person in possesty shall not without the permission of the ment, dispose of it or in the case of a building , or in the case of movable property remove s in which it is kept.

prejudice to any powers otherwise conferred y person authorized in this behalf by the ment may enter any premises and inspect any property therein or thereon for the ning whether, and if so, in what manner, section should be made in relation to roperty or with a view to securing comder made under this section.

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ry of possession of the requisitioned pro- specified in an order made under sub- full discharge of the Provincial Governity in respect of such delivery, but shall hts in respect of the property which any entitled by due process of law to enforce whom possession of the property is so

(3) Where the person to whom possession of any requisitioned property is to be delivered cannot be found or has no agent or other person empowered to accept delivery on his behalf, the Provincial Government shall cause to be published in the *Fort St. George Gazette* a notice declaring that such property is released from requisition and in the case of immovable property shall also cause a copy thereof to be affixed on some conspicuous part of the property.

(4) When a notice referred to in sub-section (3) is published in the *Fort St. George Gazette*, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof; and the Provincial Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date.

Powers to require the assistance of certain persons.

11. (1) Any officer of Government authorized in this behalf by general or special order of the Provincial Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct.

(2) If any person fails to comply with any lawful direction given to him under sub-section (1) he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Powers of search.

12. (1) The Provincial Government may, by general or special order, empower any officer to search any place, stop and search any vessel, vehicle or animal, and seize anything which he has reason to believe has been, is being, or is about to be, used for any purpose prejudicial to the public safety or the maintenance of public order.

(2) Any officer empowered under sub-section (1) shall forthwith report to the Provincial Government in detail, any seizure made by him and pending the receipt of their orders, may detain in custody anything so seized or take such other step for its safe custody as he may think proper.

(3) The Provincial Government may make such order as they think fit for the disposal of anything seized under sub-section (1), by destruction, confiscation or in such other manner as they may direct.

(4) An officer empowered under sub-section (1) may, subject to the control of the Provincial Government, authorize any officer subordinate to him to exercise any of the powers referred to in sub-section (1).

Explanation.—For the purpose of this section, 'place' includes a house, building, shed, enclosure and tent.

Power to seize and search for copies of documents which have been forfeited.

12-A. If copies of any document are declared to be forfeited to His Majesty under section 2-B (2) or 9 (2) any Police Officer may seize the same wherever found in the Province; and any Magistrate may, by warrant, authorize any Police Officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such document may be or may be reasonably suspected to be.

Power to arrest without warrant.

13. Any Police Officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

Attempts to contravene provisions of the Act.

14. Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of, any of the provisions of this Act or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

Delegation of powers and duties of Provincial Government.

15. The Provincial Government may, by order, direct that any power or duty which is conferred or imposed on them shall, in such circumstances and under such conditions, if any, as may be specified in that direction, be exercised or discharged by any officer or authority subordinate to the Provincial Government.

Savings as to orders.

16. (1) No order made in exercise of any power conferred by or under this Act or deemed to have been made under this Act by virtue of section 19 shall be called in question in any Court.

(2) Where any such order as is referred to in sub-section (1) purports to have been made and signed by any authority in exercise of any power conferred or deemed to have been conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by such authority.

Central Act 1 of 1872.

Protection of action taken under the Act.

17. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceeding shall lie against the Provincial Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act.

Application of other laws not barred.

18. The provisions of this Act shall be in addition to and not in derogation of any other Act, Ordinance or Regulation for the time being in force.

Power to make rules.

18-A. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules for carrying out the purposes of this Act.

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e Provincial Government may, by notification
George Gazette, make rules for carrying out the
Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the procedure to be followed in arbitrations under section 10,

(*b*) the time within which an appeal to the High Court under section 10, sub-section (3-A), shall be preferred, and

(*c*) the principles to be followed in apportioning the costs of proceedings before the arbitrator appointed under the sub-section aforesaid.

Saving and validation.

19. (1) Any rule or order made or deemed or purporting to have been made, any notification issued or deemed or purporting to have been issued, any direction given or deemed or purporting to have been given, any action or proceeding taken or deemed or purporting to have been taken, or anything done or deemed or purporting to have been done—

Madras Act I of 1947.

(*a*) under any provision of the Madras Maintenance of Public Order Act, 1947 (hereinafter in this section and in section 20 referred to as the said Act), and in force immediately before the 12th March 1948, or

(*b*) on or after the 12th March 1948, under any provision of the said Act or of the said Act as amended by Madras Ordinance II of 1948 or Madras Act XVII of 1948, on the footing that the said Act or the said Act as so amended was in force at the relevant time, or

Central Act XLVII of 1947.

(*c*) under any provision of the said Act as applied to the Pudukkottai, Banganapalle and Sandur States under the Extra-Provincial Jurisdiction Act, 1947, on the footing aforesaid, or

Madras Ordinance IV of 1949.

(*d*) under any provision of the Madras Maintenance of Public Order Ordinance, 1949 (hereinafter in this section referred to as the said Ordinance),

shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act or under the said Act as amended as aforesaid on the footing that the said Act or the said Act as so amended was in force at the relevant time, or made under the said Act as applied to the States aforesaid on that footing or under the said Ordinance, be deemed to be a rule or order made, notification issued, direction given, action or proceeding taken, or thing done under the corresponding provision of this Act.

(2) Any liability or penalty incurred or deemed or purporting to have been incurred, any punishment awarded or deemed or purporting to have been awarded, and any prosecution commenced or deemed or purporting to have been commenced—

(*a*) under any provision of the said Act before the 12th March 1948, or

(*b*) on or after the 12th March 1948, under any provision of the said Act or of the said Act as amended by Madras Ordinance II of 1948 or Madras Act XVII of 1948, on the footing that the said Act or the said Act as so amended was in force at the relevant time, or

(*c*) under any provision of the said Act as applied to the States aforesaid on the footing aforesaid, or

(*d*) under any provision of the said Ordinance,

shall be deemed to have been incurred, awarded, or commenced under the corresponding provision of this Act.

(3) No order of detention made or deemed or purporting to have been made in respect of any person in pursuance of any of the provisions of the said Act or of the said Act as amended by Madras Ordinance II of 1948 or Madras Act XVII of 1948 on the footing that the said Act or the said Act as so amended was in force at the relevant time, or of the said Act as applied to the States aforesaid on that footing or of the said Ordinance, shall be deemed to be invalid or unlawful or improper on the ground of any defect, vagueness, insufficiency or delay in any communication made to such person under the said Act or under the said Act as amended as aforesaid or under the said Act as applied to the States aforesaid or under the said Ordinance.

Indemnity for acts, etc., done after expiry of Madras Act I of 1947.

20. (1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the Provincial Government or any person acting under his direction or aiding or assisting him—

(*a*) for, or on account of, or in respect of, any sentence passed, or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under the said Act or the said Act as amended by Madras Ordinance II of 1948 or Madras Act XVII of 1948 or the said Act as applied to the Pudukkottai, Banganapalle and Sandur States, or

(*b*) for carrying out any sentence passed by any Court in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the Provincial Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under the said Act or the said Act as amended as aforesaid or the said Act as applied to the States aforesaid.

(3) Sub-sections (1) and (2) shall have effect although the said Act or the said Act as so amended or the said Act as applied to the States aforesaid, was not or might not have been in force at the relevant time.

Repeals.

21. The Madras Maintenance of Public Order Act, 1947, the Madras Maintenance of Public Order Ordinance, 1949, and the Madras Maintenance of Public Order Act, 1947, as applied to the Pudukkottai, Banganapalle and Sandur States under the Extra-Provincial Jurisdiction Act, 1947, are hereby repealed.

Madras Act I of 1947.
Madras Ordinance IV of 1949.
Madras Act I of 1947.
Central Act XLVII of 1947.

(By order of His Excellency the Governor)

K. V. RAJAGOPALAN,
Secretary to Government, Legal Department.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

NO. 744

RESTRICTED

AMERICAN CONSULATE GENERAL

Calcutta, India

May 11, 1946.

SUBJECT: Election of Mr. S. M. Osman as Mayor of Calcutta.

1—1403

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report for the Department's information that Mr. S. M. OSMAN has been elected by the Calcutta Corporation as Mayor of Calcutta. The position has no executive power, the Mayor being a chairman of meetings. He can, however, exert his influence but the Calcutta Corporation has no powers of social legislation; its duties being defined by the Municipal Act of 1923 which concerns itself with the administration of the city's public services.

The Mayoralty of Calcutta is rotated - one year a Hindu, one year a member of the scheduled castes, and one year a Muslim. This rotation scheme was instituted by Mr. Sarat Chandra Bose and Mr. Hasan Ispahani in 1941.

Mr. Osman is a native of Bihar but was brought up in the slums of Calcutta. He graduated with distinction from Islamia College, Calcutta and obtained his M.A. and Law Degrees from Calcutta University. In 1920 he joined in the Non-Cooperation Movement and was twice imprisoned because of his participation in the Civil Disobedience Movement. He took an active part in politics during the Round Table Conference in 1930 and 1931 and is the founder and president of the All-India Movement of the Muslim Youth League established in 1930. He is also the chief organizer and secretary of the Calcutta District of the Muslim League. He is considered honest, with a mind of meagre intellectual stature.

Mr. Osman said in a statement to the press that he was the first Mayor of Calcutta who was a proletarian, that he owned no real estate and that he would do everything in his power to improve the conditions of Calcutta's poor.

Mr. Osman was backed by the European group under the leadership of Mr. J. N. Smart. In accepting the congratulations of Mr. Smart, he said that from the moment he was elected Mayor he had ceased to have communal prejudices and would work for the good of all.

The Corporation is faced with the utter indifference shown by its employees and the unlimited corruption within its body. The fact is that despite an annual income of four crores of rupees, it is alleged that graft takes at a conservative estimate 50% of this sum. The immediate problems facing the corporation are better sanitation, a larger water supply, repairs to roads, and the improvement of bustees, where the poorer classes live.

/The "Morning News"

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DEPARTMENT OF STATE RECEIVED JUN 7 1946 OFFICE OF INTELLIGENCE

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The "Morning News", a local Muslim League newspaper, reported in its issue of May 1, that the whole election was a "double cross"; that Mr. M. A. Ispahani, a member of the Working Committee of the All India League, was to have been Mayor by prior agreement, that Mr. Osman was elected because of Congress Party backing and that Mr. Osman will have to work under the thumb of the Congress Party leaders. It must be pointed out, however, that the editor of the "Morning News" is Mr. A. H. Siddiqui, a member of the Legislative Assembly and, reputedly, a personal enemy of Mr. H. S. Suhrawardy, leader of the Muslim League in Bengal Province and newly appointed Prime Minister of the Government of Bengal. As Mr. Suhrawardy supported Mr. Osman for the Mayoralty it is not surprising that Mr. Siddiqui's "Morning News" should renounce the new Mayor. Political gossip continues with reports of a feud between Mr. Osman and Mr. Ispahani, because the former was not proposed for the Legislative Assembly, and reports that Congress Party members of the Calcutta Corporation would not support Mr. Ispahani because of his unsavory connection with the Bengal famine of 1943. As for Mr. Siddiqui it was stated in the "Star of India" on May 2 that he had resigned leadership of the Muslim League Party in the Corporation.

Respectfully yours,

S. J. Fletcher

Samuel J. Fletcher
American Consul General

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H.G.B. Westheimer/mf

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Copy to American Mission, New Delhi.

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Miss Bodman

AIRGRAM

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FROM

Madras, India

April 7, 1948

Rec'd April 20, 9:43 a.m.

DIVISION OF SOUTH ASIAN AFFAIRS
APR 20 1948
Department of State

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ACTION: NEA
INFO:
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Secretary of State,

Washington, D.C., 25.

A-23, April 7, 1948.

The Government of Madras has recently issued notifications in its gazette providing for alterations in the names of certain municipalities carrying anglicized versions of several ancient linguistic Indian names. Notification Nos.126 and 127 under Part 1-A (Local Administration & Public Health) in the March 16th issue of the Fort St. George Gazette provided for the alteration in the names of the municipalities of Conjeevaram and Trichinopoli in the Chingleput and Trichinopoly Districts into "Kancheepuram" and "Tiruchirapalli" respectively. A similar notification, No.142, in the gazette dated March 23, 1948, sought to change the name of the municipality hitherto known as Bezwada in Kistna District into "Vijayawada" and has invited objections, if any, in writing, within six weeks from the date of its publication, from any inhabitant of that local area.

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It is interesting to note in this connection that the Corporation of Madras is also, in a similar vein, trying to change the anglican names of several of its city electoral divisions and streets. For example, China Bazaar Road (a business center in the city where lot of China, including other fancy goods, piece goods, etc., are sold) has been changed into Netaji Subhas Chandra Bose Road.

There also appears to be a sort of a national consciousness in the minds of the local provincial ministers and heads of various

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APR 23 1948

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Madras, India, A-27, April 7, 1948.

various governmental and corporation departments who desire to change the names of streets, parks and public halls (carrying English names at present) after the names of Indian nationalist leaders. For example, the Banqueting Hall in the Government House compound in Mount Road has been changed to Rajaji Hall in honor of Rajagopalachariar. Immediately after Gandhi's death, there were also several suggestions from the public and the councillors in the Corporation that the names of either Mount Road (the recently improved business center in the city -- the road is nearly 12 miles in length) or the First Line Beach Road and the Marina (nearly 6 miles in length -- the former is a district containing banks and steamer agencies and the latter the four-mile long Madras beach) be changed to Mahatma Gandhi Road.

It is believed that the enthusiasm for such changes is superficial and short-lived. The attitude recently adopted by certain national Congress leaders has had a salutary effect, and it appears that, while some place names may be changed for local reasons, no sweeping changes are likely to occur.

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Hectograph to Department
Copy to New Delhi, India.

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UNITED STATES OF AMERICA

ACTION
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~~NEA~~

No.192.

AMERICAN CONSULATE GENERAL
Madras, India, July 2, 1948

DIVISION OF SOUTH ASIAN AFFAIRS
JUL -2 1948
Department of State

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845.101/7-248

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DEPARTMENT OF STATE
1948 JUL 29 PM 2 06
DC/M
FACILITIES BRANCH

SUBJECT: European Residents to be included in City General Constituencies.

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON, D.C., 25.

SIR:

I have the honor to quote below a news item which appeared in the Hindu dated June 29, 1948, relative to the rights of European residents of Madras City to vote in the Madras City Corporation Council and the Madras Legislature. European residents were previously represented both on the City Council and in the Legislatures by duly elected members under a separate European Constituency. They had a total number of three seats in the Assembly and one in the Council under their own constituency. Their trade interests were separately represented by six elected representatives of Commerce, Industry and Planting. The separate constituency has been abolished since August 15, 1947, by an order issued by the Government of India. As a result European residents cannot now claim seats from their own community as a constituency but can be elected as representatives of trade and commerce from the general constituency in open competition with other Indian members who may also be nominated for representation of such interests.

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"EUROPEAN VOTERS IN MADRAS

"Inclusion in General Constituencies

Madras, June 28,

"The Government of Madras, it is learnt, have agreed with the view that European residents were entitled

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845.101/7-248

AUG 16 1948
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entitled to be included in the electoral rolls of general territorial constituencies of the Madras Legislative Assembly and the Council, with the abolition of separate constituencies for them in the legislature.

"The Collector of Madras brought up the matter to the notice of the Government, following the omission to include the names of Europeans in the voters' lists for the City Municipal elections."

Respectfully yours,

Robert B. Streeper
American Consul General

Source:

The Hindu, Madras daily, June 29, 1948.

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MPPurushotham:mp

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Copy to American Embassy, New Delhi
Copy to American Consulate General, Bombay
Copy to American Consulate General, Calcutta.

THE FOREIGN SERVICE
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UNITED STATES OF AMERICA

ACTION is assigned to NEA

No.225.

AMERICAN CONSULATE GENERAL
Madras, India, July 28, 1948

DIVISION OF SOUTH ASIAN AFFAIRS
AUG 2 9 1948
Department of State

UNCLASSIFIED

SUBJECT: Inclusion of Europeans in Electoral Rolls.

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON, D.C., 25.

SIR:

845.101/7-248

I have the honor to report, with reference to this Consulate General's despatch No.192 dated July 2, 1948, that the Government of Madras issued a press communique dated July 19, 1948, fixing certain dates for the several stages of the revision of the electoral rolls so as to include the names of European residents of the city which have been inadvertently omitted from a previous list prepared at the time of revision. The press communique states in part: "Though the European territorial constituencies were abolished from the 15th August 1947, Europeans are entitled to be included in the electoral rolls for the General Constituencies. In order to enable qualified Europeans to be included in the electoral rolls of the Madras City General Constituencies, the Government have ordered that these rolls should be revised so as to include such Europeans."

The dates which have been fixed for the several stages of the revision of the electoral rolls are as follows:

1. Publication of the preliminary list of amendments.	-	Not later than August 9.
2. Filing of claims and objections	-	Not later than August 16.
3. Publication of the list of claims and objections.	-	Not later than August 20.
4. Commencement of the sittings of the revising authority.	-	On August 23, 1948.
5. Publication of the final list of amendments.	-	Not later than August 31,1948.

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The press communique further states that July 26, 1948, has been fixed as the last date for the receipt of applications for enrolment where a prior application is necessary, as in the case of the literacy qualification.

Respectfully yours,

Robert B. Streeper
American Consul General

Source:

Government of Madras press communique
dated July 19, 1948, issued by the
Director of Information and Publicity.

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MPPurushotham:mp

Original and hectograph to Department
Copy to American Embassy, New Delhi
Copy to American Consulate General, Bombay
Copy to American Consulate General, Calcutta.

NO. 506

AMERICAN CONSULATE GENERAL

DIVISION OF SOUTH ASIAN AFFAIRS

Department of State

Bombay, India, September 24, 1948.

UNCLASSIFIED

ACTION is assigned to NEA

SUBJECT: Steps Toward Establishment of a Municipal Corporation for Poona.
1—1055

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that, according to a press note issued by the Government of Bombay on September 21, 1948, the Government of Bombay is taking steps to provide for the appointment of a Municipal Commissioner for the executive administration of municipal affairs in the Poona City Municipal Borough and the Poona Suburban Municipal Borough.

The press note states that necessary legislation to implement the Government's policy of establishing a Municipal Corporation for the Greater Poona region has been prepared.

Under the proposed Act, called the Poona City and Poona Suburban Municipal Boroughs (appointment of Municipal Commissioner) Act, the Municipal Commissioner is given all powers normally exercised by the Chief Officer of a Borough Municipality and in addition the executive powers exercised by the Standing Committee of the Municipality under the Bombay Municipal Boroughs Act of 1925. These powers correspond with those now exercised in the city of Bombay by the Municipal Commissioner of this City. The Commissioner is empowered, in addition to the normal authority given him, to take emergency action when circumstances warrant. This provision also exists in the legislative authority under which the Bombay Municipal Government acts.

Provision is reportedly made in the proposed

Act

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845.101/9-2448

Despatch no.506, September 24, 1948.
Bombay, India.

Act to enable the Poona City and the Poona Suburban Municipalities to continue the Chief Officers of the two areas as Assistant Municipal Commissioners for their respective Municipalities.

Respectfully yours,

Charles O. Thompson
American Consul

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WALTER C. ISELNBERG, JR:ad:mn

Original and hectograph to the Department.

Copy to: American Embassy, New Delhi.
American Consulate General, Calcutta.
American Consulate General, Madras.

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THE FOREIGN SERVICE
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UNITED STATES OF AMERICA

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No. 294.

AMERICAN CONSULATE GENERAL

Madras, India, October 23, 1948

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DEPARTMENT OF STATE
1948 NOV 15 PM 3
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SUBJECT: Madras City Municipal Elections.

DIVISION OF SOUTH ASIAN AFFAIRS
NOV 1948
Department of State

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C., 25.

SIR:

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I have the honor to report that on September 30th municipal elections were held in the City of Madras for the election of 80 councillors of the Corporation Government. This is the first municipal election which has been held in the City of Madras for twelve years. The election was fought on an entirely local basis with the single exception of certain candidates which were put up by the Tamilnad Boundary Committee. The Tamilnad Boundary Committee did not wage the fight in the traditional manner of a political group by naming candidates but merely waited, in most cases, until candidates had already announced themselves and paid their election deposits. Then the Tamilnad Boundary Committee endorsed the candidates and urged their election. The result was that the Tamilnad Boundary Committee was more or less ignored and it cannot be said that those candidates endorsed by this association are in any way accountable to it. Ten of the persons endorsed by the Tamilnad Boundary Committee were unopposed and an additional twentyfive were elected with the help of other factions. The City Council has been enlarged from 60 to 80 in view of the inclusion of Saidapet and a number of other areas within the corporate limits of the city. The following is the basis of representation on which councillors have been elected:

Territorial divisions	...	50
Institutional	...	10
(includes representatives of the Madras Port Trust, Madras Chamber of Commerce, Madras Trades Association, & the South Indian Chamber of Commerce)		
Scheduled castes		

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Scheduled castes	...	5
Muslims	...	4
Women	...	4
Indian Christians	...	2
Anglo-Indians	...	1
Labor	...	4

The following is the division as to castes, sects and special groups:

Non-Brahmin Hindus	...	38	
Brahmins	...	8	
Scheduled castes	...	8	(reserved 5, general 3)
Muslims	...	11	(reserved 4, general 5, institutional 2)
Women	...	5	(reserved 4, general 1)
Indian Christians	...	2	(reserved)
Anglo-Indians	...	1	(")
Labor	...	4	(")
Europeans	...	3	(")

The new council met on October 19th to elect five aldermen who may be described as "elder statesmen" of the City Government. They include the former Mayor, Dr. U. Krishna Rao, who did not stand for his seat as a councillor and who will continue as Mayor until the election by the Council of the new Mayor. Custom dictates that Mayors be elected according to a rota from Indian Christians, Brahmins, non-Brahmins, Muslims and Depressed Classes. Dr. U. Krishna Rao is a Brahmin and it is the term of a non-Brahmin next to be elected.

The new City Council has not yet settled down to work and it is too soon to make any comment on its ability to deal with the multitude of problems which besets the city. The phenomenal increase in the population of Madras since the last election (it has more than doubled) has brought difficulties which, under present conditions, would tax the collective brains of a large number of geniuses and it can hardly be said that the new Council is possessed of a great wealth of this commodity. Most are small tradesmen and businessmen and will need a most vigorous and intelligent leadership properly to guide the destinies of the government of India's third city. Water supply, sanitation, housing, education and finance are a few of the vexing questions which the council must attempt to find an answer.

It is not likely that the Congress as a national party will figure in the deliberations and actions of the council. A number of municipal groups have formed themselves into local parties but they follow no national lines. Only 22 members of the new council sat in the old council and it will be interesting to see how this collection of relatively inexperienced persons will contribute to the pattern of urban life in South India.

Respectfully yours,

Robert B. Streeper
American Consul General

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Copies to New Delhi, Bombay & Calcutta.

INCOMING AIRGRAM

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DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

DIVISION OF SOUTH ASIAN AFFAIRS
APR 11 1949
Department of State

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ACTION
is assigned to ~~PRW~~

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NO. 174

AMERICAN CONSULATE GENERAL

Bombay, India, April 6, 1949

UNCLASSIFIED

SUBJECT: Election of New Mayor at Bombay.

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DIVISION OF SOUTH ASIAN AFFAIRS
APR 12 1949
Department of State

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that Mr. S.K. Patil, President of the Bombay Provincial Congress Committee, was on April 4, 1949 elected to be the new Mayor of Bombay for the period 1949-1950, obtaining 76 votes in the Corporation over 31 for his Socialist rival, Mr. S.V. Welinkar. Dr. M.U. Mascarenhas, retiring Mayor, presided over the meeting of the Corporation.

Upon his election to the office of Mayor, Mr. Patil appointed Mr. Dahyabhai V. Patel to be the future leader of the Congress Party in the Corporation, commenting:

> "Hitherto I belonged to the majority party. But from now on, I shall belong to the whole House".

There are enclosed clippings from the Times of India and the Bombay Chronicle of April 5, 1949, describing the ceremony.

Respectfully yours,

William Witman II

William Witman II
American Consul

Enclosures:

1. Clipping from Times of India, dated April 5, 1949
2. Clipping from Bombay Chronicle, dated April 5, 1949.

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Original and hectograph to the Department

Copies to: American Embassy, New Delhi
American Consulates General, Calcutta and Madras

APR 12 1949

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845.101/4-649

Enclosure no. 1 to despatch no. 174 dated April 8, 1949, from [illegible], American Consul, Bombay, India, entitled "Election of New Mayor at Bombay".

TIMES OF INDIA - BOMBAY - April 5,

NEW MAYOR OF BOMBAY



The outgoing Bombay Mayor, Dr. M. U. Mascarenhas, (right) shaking hands with Mr. S. K. Patil, the new Mayor.

MR. S. K. PATIL ELECTED BY BIG MAJORITY

Socialist Defeat In Corporation Vote

Mr. S. K. Patil, leader of the Congress Party in the Bombay Municipal Corporation for the last nine years, was elected Mayor of Bombay for 1949-50 on Monday. He secured 76 votes as against 31 polled by his Socialist rival, Mr. V. S. Velinkar.

On being elected, Mr. Patil named Mr. Dahyabhai V. Patel as the future leader of the Congress Party in the Corporation and said: "Hitherto I belonged to the majority party. But from now on, I shall belong to the whole House."

Mr. Patil, upon whom garlands and bouquets were showered by members as well as outsiders until his cap barely showed above the mounting floral tributes, said: "I am completely overwhelmed by your kindness. By a thumping vote you have conferred upon me the highest civic honour which a representative civic body can confer upon anybody."

TRADITIONS OF PAST MAYORS

He referred to the tradition set by past mayors. Looking back, he could see a galaxy of great men occupying the Bombay mayoral chair—men like Sir Pherozeshah Mehta, Sir Dinshaw Vachha, Sir Ibrahim Rahimtoola and Sardar Vallabhbhai Patel—and on the present occasion he could do nothing more than pledge himself to maintain and advance their traditions, the new Mayor said.

Mr. Patil said it was his firm belief that if democratic and parliamentary form of Government was to survive and flourish, it should be founded on very strong and healthy self-governing institutions. Therefore, if he could, during his term as Mayor, bring about a happier relationship between the Central and Provincial Governments on the one side and the Corporation on the other, he would be very happy.

It had been the custom for new mayors to make promises. But he did not propose to make any, because the mayors in Bombay, and elsewhere in India, did not have any executive happened to be the first Mayor to be elected after independence and he was the first to welcome to the city the Prime Minister of free India. He thanked the Municipal Secretary, Mr. B. V. Mody, and the other secretarial staff for their help.

Earlier, a point of order was raised by Mr. S. S. Kavalekar (Socialist) that the House was not properly constituted because Sardar Pratap Singh, a member who has been convicted, was present and was taking part in the proceedings in contravention of Section 16 of the Municipal Act.

Dr. Mascarenhas, who was in the chair, ruled out the point of order, after quoting Section 18, which says that whenever a Councillor did not admit an allegation disqualifying him, he could appeal to the Chief Judge of the Small Causes Court whose decision would be conclusive.

PUBLIC FELICITATIONS

Mr. S. K. Patil was given the first public felicitation by the citizens of Bombay, a few hours after his election as Mayor, at a tea party held in his honour by the Girgaum District Congress Committee at the People's Hall, Congress House, on Monday evening. He was first congratulated by the retiring Mayor, Dr. M. U. Mascarenhas and then by Mr. G. D. Vartak, Minister for Local Self-Government, Government of Bombay, who were followed by a large number of Congress leaders.

Mr. G. D. Mahashabha, President of the Girgaum District Congress Committee, garlanding Mr. Patil, recalled the valuable services that Mr. Patil had rendered to the city's civic affairs.

Mr. Patil, thanking for the honour done to him, assured the meeting that he would continue to follow the principle of self-less service to the people. He called upon Congress workers to work for the people with discipline, earnestness and faith in God.

Among those present on the occasion were Municipal Councillors, officials of the Municipal Corporation, and a large number of City's Congressmen. As soon as Mr. Patil came out of the hall, he was congratulated by Mr. B. G. Kher, Premier of Bombay, who had motored to the Congress House for the purpose.

MAJORITY

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Mr. Patil said it was his firm belief that if democratic and parliamentary form of Government was to survive and flourish, it should be founded on very strong and healthy self-governing institutions. Therefore, if he could, during his term as Mayor, bring about a happier relationship between the Central and Provincial Governments on the one side and the Corporation on the other, he would be very happy.

It had been the custom for new mayors to make promises. But he did not propose to make any, because the mayors in Bombay, and elsewhere in India, did not have any executive powers as mayors in some Western countries possessed. However, it would be his constant endeavour to make the Corporation "more responsive to the popular will" and bring about greater contact between the people and their representatives.

CONVENTIONS ABOUT PARTIES

Although parties were not officially recognised in the Corporation, nobody could blink at the fact that there were parties and they functioned as such in the House, Mr. Patil said. Something had to be done to establish conventions in order to give due recognition to the fact that there were parties so that a lot of bickering could be avoided. He would also study the working of self-governing institutions in western countries on his projected tour and give the benefit of his study to the Bombay Municipal Corporation.

Mr. Dahyabhai V. Patel moved a vote of thanks to Dr. M. U. Mascarenhas, the retiring Mayor, who, he said, had the great distinction of being a member of a minority community who broke the tradition of mayors being elected in communal rotation.

Mr. Mohiuddin Harris, leader of the Socialist group, seconded the vote of thanks. Mr. Ganapatishankar N. Desai, Mr. A. H. Mirza, Mr. N. C. Bharucha, Mr. R. Panday, Dr. Collaco, Mr. Nathalal Parikh, Mr. Gilani, Mr. Shalebhoy Abdul Kader, Mr. H. J. H. Taleyarkhan, Mr. V. B. Gandhi, Mrs. Sulochana Mody, Mr. Gordandas Morarji and Mr. Gholap recalled the fine qualities of Dr. Mascarenhas and supported the motion which was carried unanimously.

The Municipal Commissioner, Mr. B. K. Patel, thanked the retiring mayor for the help and assistance he had given him both within and outside the House.

Mr. S. K. Patil said that in choosing a person to break the custom of communal rotation in mayoral elections, the Congress Party had found no better person than Dr. Mascarenhas.

Dr. Mascarenhas, in thanking the House, said he felt proud that he happened to be the first Mayor to be elected after independence and he was the first to welcome to the city the Prime Minister of free India. He thanked the Municipal Secretary, Mr. B. V. Mody, and the other secretarial staff for their help.

Earlier, a point of order was raised by Mr. S. S. Kavalekar (Socialist) that the House was not properly constituted because Sardar Pratap Singh, a member who has been convicted, was present and was taking part in the proceedings in contravention of Section 16 of the Municipal Act.

Dr. Mascarenhas, who was in the chair, ruled out the point of order, after quoting Section 18, which says that whenever a Councillor did not admit an allegation disqualifying him, he could appeal to the Chief Judge of the Small Causes Court whose decision would be conclusive.

PUBLIC FELICITATIONS

Mr. S. K. Patil was given the first public felicitation by the citizens of Bombay, a few hours after his election as Mayor, at a tea party held in his honour by the Girgaum District Congress Committee at the People's Hall, Congress House, on Monday evening. He was first congratulated by the retiring Mayor, Dr. M. U. Mascarenhas and then by Mr. G. D. Vartak, Minister for Local Self-Government, Government of Bombay, who were followed by a large number of Congress leaders.

Mr. G. D. Mahashabha, President of the Girgaum District Congress Committee, garlanding Mr. Patil, recalled the valuable services that Mr. Patil had rendered to the city's civic affairs.

Mr. Patil, thanking for the honour done to him, assured the meeting that he would continue to follow the principle of self-less service to the people. He called upon Congress workers to work for the people with discipline, earnestness and faith in God.

Among those present on the occasion were Municipal Councillors, officials of the Municipal Corporation, and a large number of City's Congressmen. As soon as Mr. Patil came out of the hall, he was congratulated by Mr. B. G. Kher, Premier of Bombay, who had motored to the Congress House for the purpose.

no.2
Enclosure/to despatch no. 178 dated April 6, 1949 from William Witman II, American Consul, Bombay, India, entitled "Election of New Mayor at Bombay".
BOMBAY CHRONICLE- BOMBAY - April 5,1949

B.P.C.C. Chief Elected To Mayoral Chair

PATIL DEFEATS SOCIALIST RIVAL BY 76 VOTES TO 31

"Will Endeavour To Make Municipal Corporation More Responsive To Popular Will"

BOMBAY, Monday.

Mr. S. K. Patil, Congress Party candidate an d for 15 years member of the Municipal Corporation, today became the Mayor of Bombay by defeating his Socialist rival Mr. V. S. Velinkar by 76 votes to 31 in a colourless contest.

All but 9 of the 117 members of the Corporation participated in the Mayoral election and the retiring Mayor, Dr. M. U. Mascarenhas, indulgently permitted an eager crowd of spectators to fill the Corporation Hall to capacity, while several other visitors packed the public galleries to witness the ushering in of Bombay's First citizen, the sole highlight of which was an impassioned 30-minute speech by Mr. Patil from thte Mayoral "gadi".

NEW MAYOR SPEAKS

"Nothing but impartial conduct shall guide my actions and decisions," said the new Mayor, "and I shall be second to none in enhancing the traditions of this House built up by such stalwarts like Pherozeshah Mehta, Vithalbhai Patel and Dinshaw Wacha. If I can, I may add to them but never will I do anything to detract from them."

"NO PROMISES, BUT.."

Mr. Patil offered no promises but said it shall be his contant endeavour to make the Bombay Municipal Corporation more responsive to popular will. He would, he asserted, bring about "happy relations" between the provincial government and the municipality, work for harmonious relations between the Corporation's many parties and reduce red-tapism in municipal administration "to the barest minimum".

Before Mr. Patil assumed the Mayoral chair he was enthusiastically garlanded by several Councillors and many visitors from the galleries offered him bouquets and greetings. Mr. Velinkar, the defeated candidate, himself rushed to shake hands with Mr. Patil warmly.

Members of the Fourth Party (formerly Muslim League) voted for Mr. Patil and it was presumed the Congress candidate had also the support of the Scheduled Caste Federation, while, besides the 29 Socialist votes,



First Citizen

Mr. Velinkar secured the backing of only two additional members.

POINT OF ORDER.

As soon as the retiring Mayor, Dr. Mascarenhas, took the chair at the commencement of the proceedings and read out from the agenda that the election of the new Mayor was the first item, Mr. S. S. Kavlekar raised a point of order that Sardar Pratap Singh, a Councillor, should be disqualified from participating in the election since he had been sentenced on April 1 by the Presidency Magistrate, Esplanade Police Court, on a charge of having had an indirect interest in a contract with the Municipal Corporation.

In support of his contention Mr. Kavlekar quoted Section 18 (f) of the Municipal Act, which read: "A person shall be disqualified for being a Councillor if he has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of, the Corporation."

Mr. Kavlekar held that unless the decision of the Magistrate was set aside, Sardar Pratap Singh ceased to be a Councillor of the Bombay Corporation.

Supporting the point of order Mr. Naushir Bharucha stated that the election meeting of the House was not properly constituted under the provisions of the Municipal Act because a person who had been disqualified under it had found a place in it.

"WITHOUT SUBSTANCE."

Mr. S. K. Patil described the point of order as " without substance." There was no doubt, he said, that a judgment sentencing Sardar Pratap Singh had been delivered by a Magis-

(Continued on Page 7)

NEW MAYOR ADDRESSES, CORPORATION



SRI S. K. PATIL ON HIS ELECTION TO THE MAYORAL CHAIR ON TUESDAY IS SEEN ADDRESSING THE CORPORATION.

B.P.C.C. Chief Elected To Mayoral Chair

(Continued from Page 1)

trate but the point at issue was that he could be disqualified only if he had no recource to an appellate court. Sardar Pratap Singh had preferred an appeal.

Mr. B. A. Dalal pointed out that only if Sardar Pratap Singh came forward to say that he was not appealing against the sentence of Rs. 500 fine, in default three months' S.I., could there be any substance in the objection raised.

Mr. G. G. Mehta said there was no question of any doubt of the Councillor's "guilt" because a competent court had already given its decision. So long as the judgment of the Magistrate of a Lower Court was not set aside, it held good, according to the fundamental principles of British jurisprudence.

MAYORAL RULING.

Dr. Mascarenhas ruled that the meeting was in law quite properly constituted and quoted section 18 of the Municipal Act in suuport. It read: "Whenever it is alleged that any Councillor has become disqualified for office for any reason, and such Councillor does not admit the allegation....such Councillor....and the Commissioner shall apply to the Chief Judge of the Small Causes Court and the said Chief Judge, after making such inquiry as he deems necessary, shall determine whether or not such Councillor has become disqualified for being a Councillor, and his decision shall be conclusive."

Secondly, Dr. Mascarenhas said that he understood that Sardar Pratap Singh did not think he was disqualified and until and unless the judgment of a higher court was made, he could not disqualify him.

Dr. Mascarenhas announced that the election would now be conducted and asked the members to register their votes in the specially arranged polling

be his endeavour to make the Corporation more responsive to the popular will by a process of "living contacts" with the people of the city. The energetic Municipal Commissioner had played his part in this task ably but his role was purely official. The Mayor should create non-official contacts, which was more important.

WILL UNDERTAKE WORLD TOUR.

Mr. Patil said he would shortly be undertaking a tour of the important cities of the world to study the working of local self-government and other public institutions. The knowledge he would gain from the tour would be used to the advantage of his mayoral office.

Declaring that the party system in parliamentary politics, with all its accepted shortcomings, had come to stay, Mr. Patil said the task before them was to frame conventions and rules for the improvement of parliamentary democracy. As Mayor, he would consult leaders of all parties in the House with a view to bringing about better understanding and harmony between them.

To do all this he needed the support of everyone—the staff of the Corporation, the Councillors and the public. "I have a spiritual background. My prayer to Providence is that my year of. Mayoralty may be a year of peace and prosperity to the city and to the country." (Prolonged Applause).

"VOTE OF THANKS."

Mr. Dahyabhai V. Patel, the new leader of the Congress Municipal Party, then moved a "vote of thanks" to Dr. Mascarenhas, the retiring Mayor. He praised Dr. Mascarenhas for his "zeal, tact and patience" and pointed out that not only was he the first Mayor under adult franchise but his term of office had been distinguished by several unique events like the preparation of the Master Plan for

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Dr. Mascarenhas announced that the election would now be conducted and asked the members to register their votes in the specially arranged polling booths outside the hall.

PATIL FETED.

After some 25 minutes, he pronounced Mr. Patil as having been elected by 76 to 31 votes.

Mr. Patil was warmly cheered by all sections of the House except the Socialist bloc which sat quiet, watching the new Mayor being feted by his supporters and by the crowd of onlookers.

Dr. Mascarenhas went forward to greet Mr. Patil and led him to the Mayoral chair.

Mr. Patil, acknowledging the felicitations of the House, said he felt overwhelmed by the kindness and love shown to him. "By a thumping vote you have conferred on me the highest civic gift. I am deeply conscious of this friendly gesture. I shall only express thanks for the blessing of Providence and the goodwill you have shown me."

Upto that evening, Mr. Patil said, he belonged to the majority party in the Municipal Corporation. For 15 years he had been a member of the House. From 1935 to 39 the Congress Party was in a minority. Then it became the majority party while he was the leader of it. While a member of that bloc he had to function as a party leader and politics being both risky and dangerous he had at times to tread on his opponents.

But as the Mayor of Bombay and acting in the traditions of the high office, he would henceforth during his mayoralty consider himself as belonging to the whole House and not to one particular party. (Cheers). Since 1939 Bombay had had 11 Mayors, six of whom were Congressmen. Whatever private opinions and views they held, the moment they were elected to the mayoral office, they acted absolutely impartially. Following their example and in the spirit of true democracy he would, as Mayor, see that nothing but impartial conduct governed his actions and decisions. (Cheers).

IN STALWARTS' FOOTSTEP.

Stalwarts like Sir P. Mehta, Vithalbhai Patel and Sir Dinshaw Wacha had helped to build the Bombay Corporation on sure foundations and he would be second to none in enhancing the glorious traditions set by them. In their name, he pledged himself to the maintenance of those traditions and if he could, he might add to them but never would do anything to detract from them.

"I have been a lover of local self-government and I believe that true democratic parliamentary government, if successful, should have as its basis a very strong local self-government. During my short regime, I will try to bring about happy relations between Government and this House. Parliamentary democracy has to be built up and it is the duty both of the Government and the Corporation to come closer to each other and forge that ideal on secure foundations."

"LESS TALK AND MORE ACTION"

The new Mayor said he would offer no promises but he had been ever conscious of the city's great problems and urgent needs. As the Mayor he could not possibly do more than what he had done as the leader of the Congress Municipal Party but that did not mean he would not strive his best to achieve more than what had been achieve. He believed in action—"in less talk and more action." It would rules for the improvement of parliamentary democracy. As Mayor, he would consult leaders of all parties in the House with a view to bringing about better understanding and harmony between them.

To do all this he needed the support of everyone—the staff of the Corporation, the Councillors and the public. "I have a spiritual background. My prayer to Providence is that my year of Mayoralty may be a year of peace and prosperity to the city and to the country." (Prolonged Applause).

"VOTE OF THANKS."

Mr. Dahyabhai V. Patel, the new leader of the Congress Municipal Party, then moved a "vote of thanks" to Dr. Mascarenhas, the retiring Mayor. He praised Dr. Mascarenhas for his "zeal, tact and patience" and pointed out that not only was he the first Mayor under adult franchise but his term of office had been distinguished by several unique events like the preperation of the Master Plan for Greater Bombay and the inauguration of the Vaitarna-cum-Tansa water supply scheme. By his enviable manners he smoothly managed the proceedings of the House, Mr. Patel stated.

Mr. H. Harris, Mr. Ganpati Shankar Desai, Mr. A. H. Mirza, Mr. N. C. Bharucha, Mr. R. Pandya, Dr. J. A. Collaco, Mr. Nathalal Parikh, Mr. Gilani, Mr. Homo Talyarkhan, Mr. V. B. Gandhi and the Municipal Commissioner, Mr. B. K. Patel, joined in the tributes to Dr. Mascarenhas.

Mr. S. K. Patil said that the retiring Mayor was popular with all sections of the House. He had never come across a moe unassuming man of a gentler friend.

In a brief reply Dr. Mascarenhas recalled the help he had received from all sections of the House and from the staff of the Corporation.

Mr. Patil then adjourned the House.

"STORMY PETREL OF CONGRESS".

Mr. S. K. Patil who has just become the first citizen of Bombay has been the stormy petrel of the Congress in the city since the hectic days of the first Civil Disobedience Movement. It is no small distinction to have been the Secretary of the Bombay Provincial Congress for 17 years continuously and then to be elected its president.

Born in 1900 in Sawantwadi State in the District of Ratnagiri, Patil cut short his student days in Xaviers' College Bombay, in response to Mahatma Gandhi's call for boycott during the Non-co-operation movement. Till 1926 he was apprenticing in nationalist politics by conducting a national school and doing odd jobs for the Maharashtra Provincial Congress Committee.

ON "CHRONICLE STAFF."

In that year he went abroad, took a course in journalism in London University college, toured the continent and returning after an absence of 20 months joined the editorial staff of the "Bombay Chronicle", working as a reporter. In his spare time he did insurance business, which has been his main source of living.

B.P.C.C. SECRETARY.

His stay in journalism did not last for more than three years, because the first civil disobedience movement called him to prison. At the end of his prison term he was elected to the secretaryship of the Provincial Congress —where he soon became irreplaceable, thanks to his zeal, energy an organising ability.

To-day he is the president of the Bombay Provincial Congress Committee, a member of the All-India Congress Committee and its Working Committee, a member of the Constituent Assembly and now he becomes the Mayor of Bombay for one year.

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NO. 182

AMERICAN CONSULATE GENERAL

File 1-55

Bombay, India, April 11, 1949

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SUBJECT: Visit to the United States of Mr. S.K. Patil, Mayor of Bombay.
1—1055

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

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I have the honor to report the impending visit to the United States of the Mayor of Bombay, Mr. S.K. Patil, whose recent election was reported to the Department in my despatch no. 174 dated April 6, 1949.

There is transmitted herewith a memorandum of conversation which took place in the Consulate General this morning with Mr. Patil. It will be noted that the primary purpose of his trip to the United States, aside from seeing his two children and a niece who are now studying in the United States, is to observe at first hand municipal self-government as practised in the United States. In this connection he expressed a special interest in having "quiet talks" with the Mayors of New York, Washington, Boston, Chicago, San Francisco as well as Bridgeport, Milwaukee and Cleveland - or others which might be suggested to him as representative.

As the Department is aware, Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946. He has been a member of the AICC since 1930 and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay, and a member of the select Working Committee of the Congress Party. He has been on most friendly terms with officials of the Embassy and of this Consulate General, is an outspoken admirer of the United States and is known to be vigorously anti-Communist. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000), the

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Despatch no. 182
April 11, 1949
Bombay, India.

the Consulate General believes that it would be most helpful to grant Mr. Patil every possible courtesy upon his arrival and during his stay." In anticipation thereof, it would be appreciated if the Department would prepare a suggested itinerary of visits to the Mayors of the cities suggested by Mr. Patil, possibly also including such cities as Jersey City, N.J., in order that he may not gain the impression that we are attempting to show him only the favorable. I believe that Mr. Patil will be fair in his judgments of the United States as a whole.

Before departing for the United States Mr. Patil will begiven the appropriate letters of introduction to officers of the Department. The Embassy's recommendations in this respect have been solicited, and Mr. Patil expects to call on the Ambassador on his next visit to New Delhi.

Respectfully yours,

William Witman II

William Witman II
American Consul

Enclosure:

Memorandum of Conversation
dated April 11, 1949

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Original and hectograph to the Department

Copies to: American Embassy, New Delhi
American Consulates General, Calcutta and Madras

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Enclosure to despatch no. 182 dated April 11, 1949
from William Witman II, American Consul, Bombay,
India, entitled "Visit to the United States of
Mr. S.K. Patil, Mayor of Bombay".

AMERICAN CONSULATE GENERAL

Bombay, India, April 11, 1949

RESTRICTED

MEMORANDUM OF CONVERSATION

Participants: S.K. Patil, Mayor of Bombay
William Witman II, American Consul-in-Charge.

By pre-arrangement, Mr. S.K. Patil, newly-elected Mayor of Bombay, called at the Consulate General in connection with his forthcoming visit to the United States.

He expects to reach New York by air on May 24, 1949, and to depart on June 20, 1949 from the West Coast, via the Pacific. Of that time, he plans to remain in the East up to about June 15, then proceeding to the West.

Mr. Patil mentioned that three close relatives of his were now studying in the United States:

V.S. Patil (son), studying for a Master's degree in Business Administration at Columbia University.

Susheela Patil (daughter), having completed a Master's degree in Economics, now studying at Teachers College, Columbia University.

Anasuya Nadkarni, (niece), taking courses in radio and broadcasting at Columbia University.

He added that two other younger daughters were hoping shortly to go to the United States for study.

Mr. Patil stated the primary reason for this his first trip to the United States, aside from seeing his family, was "to study local self-government". He would like, he said, to have a quiet talk about city administration with the Mayors of a number of representative cities in the United States and to obtain literature on the subject. He mentioned in particular such cities as New York, Washington, Boston, Chicago and San Francisco. He also expressed considerable interest in investigating the record of the Socialist administrations in Bridgeport and Milwaukee and the City-Manager type of municipal administration such as Cleveland.

I warned him that the picture was not uniformly rosy, and that the old-fashioned type of "machine"-run administration persisted in certain cities, notably Jersey City, N.J. He said that if possible, he would also like to see such a city.

Mr. Patil said that the Ford Motor Company had offered to put at his disposal a Ford car for the period of his visit in the eastern part of the United States. His itinerary is as yet not finally determined, and he said he would be grateful for suggestions from the Department in this respect. He expressed an interest in inspecting the TVA project and Niagara Falls. His children and niece will accompany him.

With regard to the offer of the Ford Motor Company to place a car at his disposal, he mentioned with appreciation the fact that in Bombay the Ford Motor Company was always willing to lend the Municipality any number of cars for emergency purposes. As a result, the Municipality purchased almost exclusively Fords. He said that, of course, as a Government official he could not accept personal gifts from the Company, but added that his son (now in the United States) would be sent to England to be trained by the Ford Company for a year, after which he had been promised an important connection with the Company (presumably a distributorship).

Mr. Patil spoke in the friendliest possible terms of the United States, and of his pleasure at being able to make this his first visit there. On an earlier occasion, he had made the remark to me that he was "no friend of Russia", but was forced to admire the way they did certain things. For example in Moscow recently, the Indian Ambassador, Mrs. Vijayalakshmi Pandit, made a short address in Hindustani. No sooner had she finished, than to her surprise a Russian official rose and replied in even more perfect Hindustani. Mr. Patil was, therefore, visibly impressed when, upon presenting to him the members of the Consulate General's staff, Vice Consul Howard Imbrey greeted him briefly in fluent Hindustani, American-style.

William Witman II

William Witman II
American Consul

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Re S. K. Patil

AM CONSUL

BOMBAY (INDIA)

86

Dept willing assist arranging meetings (UrDesp 182, Apr.11). Request more definite schedule to communicate Mayors and TVA.

Acheson

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Secretary of State,
Washington.

A-361, April 16, 1949

DIVISION OF SOUTH ASIAN AFFAIRS
APR 25 1949
Department of State

In a press communique issued on April 8, 1949, the Government of India announced that "Shri H.P. Mody had been appointed Governor of the United Provinces and was expected to assume charge about the end of April or in the first part of May."

Sir Homi Mody - as he is generally called in India - is a well-known Parsee political figure and industrialist, having been connected with Tata Sons, Limited for many years as a member of the Board of Directors of the Company. Undoubtedly, one of the reasons for the appointment of Sir Homi is the fact that he is a Parsee and the Government of India probably feels that a Parsee would be more likely to treat the Hindus and the large Muslim minority in the U.P. with more impartiality than would a run-of-the-mill Hindu Congressman. The maintenance of peaceful communal relations is extremely important in the U.P., which has the largest Muslim population of any Indian province. It is believed that the appointment of Sir Homi is an excellent one and will be generally approved by the Indian public.

Biographic data on Sir Homi appears on page 1251 of the 1948 issue of the India and Pakistan Yearbook and Who's Who published by the Times of India Press, Bombay. Reference is also made to confidential biographic data submitted by the Consulate General in Bombay on Sir Homi on February 28, 1944. Officers of the Department will recall that he visited the United States during the summer of 1948 and made a number of addresses in New York and elsewhere principally on industrial and financial conditions in India.

JJeffersonJonesIII:sm
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Embassy, London; Consulates General, Calcutta, Bombay, Madras.

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Rec'd April 30, 1949
12:25 a.m.



FROM: Bombay

TO: Secretary of State

NO: 120, April 29

REDEPTEL 86, April 25.

Patil plans arrive New York by TWA May 24, tentative schedule follows:

Twenty-fourth through twenty-eight New York; Twenty-ninth through June Second drive via Philadelphia, Baltimore to Washington. Several days Washington visit TVA, return New York about Fourth; June Sixth through Fifteenth drive Boston via Bridgeport New Haven, two days Boston, then drive Buffalo, Niagara across stretch south Canada to Detroit, several days visit Ford shops, thence drive Chicago; June Fifteenth-Twentieth fly to west coast visiting Boulder Dam, Los Angeles, San Francisco whence scheduled depart via PANAM Twentieth. May decide extend trip one or two weeks. In view unfamiliarity US, Patil would appreciate further suggestions. Willing have Department make firm appointments mayors, etc. respective cities en route within above approximate timetable. [Please advise before he departs Bombay May Ninth for fortnight in Europe en route.]

TIMBERLAKE

NPL:MW

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AMERICAN CONSUL,

BOMBAY, INDIA.

91 FIFTH

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/XXXTEL 120, Apr. 29.

45.101/4-29

In view rushed schedule only Mayors, New York, Jersey City, Philadelphia and Baltimore being addressed at moment requesting interviews between May 24 and June 2.

Suggest Patil communicate with Dept. upon arrival Washington. After discussions other suggestions can be made. Letters introduction to Mayors [redacted] cities he has time [redacted] visit will be furnished.

Acheson
(S/S)

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CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK 7, N.Y.

May 9, 1949 - maq

Hon. Stanley Woodward
Chief of Protocol
Department of State
Washington, D. C.

Dear Mr. Woodward:

On behalf of Mayor O'Dwyer, I acknowledge receipt of your letter of May 6, 1949, relative to the visit of Mr. S. K. Patil, the recently elected Mayor of Bombay, India.

The Mayor will be happy to see Mr. Patil on Friday, May 27th at 1:30 P.M. here at City Hall.

Sincerely yours,

Personal Secretary
to the Mayor

187976

845.101/5-949

BERNARD SAMUEL
MAYOR

CITY OF PHILADELPHIA
OFFICE OF THE MAYOR

PHILADELPHIA 7, PA.

May 9, 1949

Mr. Stanley Woodward
Chief of Protocol
Department of State
Washington 25, D. C.

Dear Mr. Woodward:

I have received your letter of May 6th concerning the visit to the United States of Mr. S. K. Patil, Mayor of Bombay, India.

I shall be glad to see Mayor Patil. If Tuesday, May 31st, at 11 o'clock, will be convenient for him, I shall be happy to greet him in this office.

188131

Sincerely yours,

Bernard Samuel

12 noon at the City Hall, May 28
Mr. Raau, Secy. to the Mayor
Psy to Boston 5/26 - PS

MR

845.101/5-949
CA/H

811.5-545

THOMAS D'ALESANDRO, JR.
MAYOR

May 10, 1949

Hon. Stanley Woodward
Chief of Protocol
Department of State
Washington 25, D. C.

Dear Mr. Woodward:

Replying to your letter under date of May 6th, your file reference S/S-PR, it will be a pleasure to have the recently elected Mayor of Bombay, India, Mr. S. K. Patil, visit our City, and if it will be possible to advise me in advance as to when he will reach Baltimore, all necessary arrangements will be made for his reception.

In addition to a personal interview, which I shall be most happy to grant him, I will arrange to have him meet the various Department Heads, and also schedule a tour of the Baltimore Harbor, one of the finest in the world.

Kindly advise me as to the exact date and time when Mayor Patil will arrive in Baltimore. I assure you it will be a pleasure to render him every possible courtesy.

187978

Sincerely yours,

11 a.m. Tues., May 24
at the City Hall
Secy. to the Mayor
Rec'd telephone 5/26 PD

Thomas D'Alesandro Jr.
Mayor

HH

meg

845.101/5-1049

845.101/5-1049

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE

INCOMING TELEGRAM

ACTION COPY

Copy detached

9

PLAIN

S/S-PR
PBarry
file

Action: PR
Info:
P
NEA
OLI
CIA
POS
DCR

Control 7024

Rec'd May 17, 1949
11:13 a.m.

FROM : Bombay

TO : Secretary of State

NO : 140, May 17

Re DEPTEL 91, Fifth.

PROTOCOL
MAY 17 1949
DEPARTMENT OF STATE

Patel left ninth, confirms arrival New York by 24. Department's suggestions satisfactory.

WITMAN

JM:KC

Reported to Mr. Dare at Embs. 5/17 PD

PLAIN

FILED
MAY 19 1949

HH

845.101/5-1749

PERMANENT RECORD COPY: THIS COPY MUST BE RETURNED TO DC/R CENTRAL FILES WITH NOTATION OF ACTION TAKEN.

16—52018-1 U. S. GOVERNMENT PRINTING OFFICE

A microfilm project of

circular

June 1, 1949

In reply refer to
S/S-PR

My dear Mayor Celentano:

The recently elected Mayor of Bombay, Mr. S. K. Patil, is in the United States for a short visit and is interested in observing at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including New Haven.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview about 4:00 p.m. on June 9.

Sincerely yours,

For the Acting Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
William C. Celentano,
Mayor of New Haven,
Connecticut.

S/S-PR:MHHall 6/1/49

A true copy of the signed original.

845.101/6-149

845.101/6-149

CS/D

June 1, 1949

In reply refer to
S/S-PR

My dear Mayor McLevy:

The recently elected Mayor of Bombay, Mr. S. K. Patil, is in the United States for a short visit and is interested in observing at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including Bridgeport.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview about noon on June 9.

Sincerely yours,

For the Acting Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
Jasper McLevy,
Mayor of Bridgeport,
Connecticut.

S/S-PR:MHHall 6/1/49

...ified copy of
...inal orig-

June 1, 1949

In reply refer to
S/S-PR

My dear Mayor Curley:

The recently elected Mayor of Bombay, India, Mr. S.K. Patil, is in the United States for a short visit and is interested in observing at first hand municipal self-government. In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including Boston.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities, (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview during the late afternoon of June 10.

Sincerely yours,

For the Acting Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
James Michael Curley,
Mayor of Boston,
Massachusetts.

S/S-PR:KLFenner 6-1-49

June 1, 1949

In reply refer to
S/S-PR

My dear Mayor Dowd:

The recently elected Mayor of Bombay, India, Mr. S.K. Patil, is in the United States for a short visit and is interested in observing at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including Buffalo.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview during the late afternoon of June 17.

Sincerely yours,

For the Acting Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
Bernard J. Dowd,
Mayor of Buffalo,
New York.

A true copy of the signed original.

S/S-PR:RLFenner 6-1-49

June 1, 1949

In reply refer to
S/S-PR

My dear Mayor Kennelly:

The recently elected Mayor of Bombay, India, Mr. S. K. Patil, is in the United States for a short visit and is interested in observing at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including Chicago.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview at some time on June 22.

Sincerely yours,

For the Acting Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
Martin H. Kennelly,
Mayor of Chicago,
Illinois.

A true copy of the signed original.

S/S-PR:KLFenner 6-1-49

In reply refer to
S/S-PR

June 1, 1949

My dear Mayor Van Antwerp:

The recently elected Mayor of Bombay, Mr. S. K. Patil, is in the United States for a short visit and is interested in observing at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including Detroit.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview the morning of June 20.

Sincerely yours,

For the Acting Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
Eugene I. Van Antwerp,
Mayor of Detroit,
Michigan.

S/S-PR:KLFenner:mhh 6/1/49

A true copy of the signed original

In reply refer to
S/S-PR

June 1, 1949

My dear Mayor Bowron:

The recently elected Mayor of Bombay, Mr. S. K. Patil, is in the United States for a short visit and is interested in observing at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including Los Angeles.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview the afternoon of June 25.

Sincerely yours,

For the Acting Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
Fletcher Bowron,
Mayor of Los Angeles,
California.

S/S-PR:KLFenner:mhh 6/1/49

A true copy of the signed original

In reply refer to
S/S-PR

June 1, 1949

My dear Mayor Robinson:

The recently elected Mayor of Bombay, Mr. S. K. Patil, is in the United States for a short visit and is interested in observing at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including San Francisco.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview on June 24.

Sincerely yours,

For the Acting Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
Elmer E. Robinson,
Mayor of San Francisco,
California.

S/S-PR:KLFenner:mhh 6/1/49

A true copy of the signed original.

DC/M - PLEASE RETURN COMPLETE FILE
DIRECT TO PROTOCOL - MRS. SANZ

MAY 6 1949

In reply refer to
S/S-PR

My dear Mayor O'Dwyer:

The Department has received a despatch from the American Consul at Bombay, India, stating that the recently elected Mayor of Bombay, Mr. S. K. Patil, is coming to the United States for a short visit, arriving in New York on May 24. The primary purpose of his trip, in addition to visiting members of his family now studying here, is to observe at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including New York.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview at some time between May 24 and May 28, on which date he expects to proceed to Washington.

Sincerely yours,

For the Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
William O'Dwyer,
Mayor of New York,
New York.

MAY 6 1949

S/S-PR:KLFenner:mcr 5/5/49

SOA

A microfilm project

DC/M - PLEASE RETURN COMPLETE FILE
DIRECT TO PROTOCOL - MRS. SANZ

MAY 6 1949

In reply refer to
S/S-PR

My dear Mayor Eggers:

The Department has received a despatch from the American Consul at Bombay, India, stating that the recently elected Mayor of Bombay, Mr. S. K. Patil, is coming to the United States for a short visit, arriving in New York on May 24. The primary purpose of his trip, in addition to visiting members of his family now studying here, is to observe at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including Jersey City.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview at some time between May 27 and June 2, as it is expected that Mr. Patil will be in the vicinity of Jersey City during that period.

Sincerely yours,

For the Secretary of State:

Stanley Woodward
Chief of Protocol

MAY 6 1949

5-5-49

DC/M - PLEASE RETURN COMPLETE FILE DIRECT TO PROTOCOL - MRS. SAWZ

MAY 6 1949

In reply refer to
S/S-PR

My dear Mayor D'Alesandro:

The Department has received a despatch from the American Consul at Bombay, India, stating that the recently elected Mayor of Bombay, Mr. S. K. Patil, is coming to the United States for a short visit, arriging in New York on May 24. The primary purpose of his trip, in addition to visiting members of his family now studying here, is to observe at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including Baltimore.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930; and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview at some time between May 29 and June 2, as it is expected that he will be in the vicinity of Baltimore during that period.

Sincerely yours,

For the Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
Thomas D'Alesandro, Jr.,
Mayor of Baltimore,
Maryland.

MAY 6 1949

S/S-PR:KLPenner 5-5-49 SOA

DC/M - PLEASE RETURN COMPLETE FILE
DIRECT TO PROTOCOL - MRS. SANZ

MAY 6 1949

In reply refer to
S/S-PR

My dear Mayor Samuels:

The Department has received a despatch from the American Consul at Bombay, India, stating that the recently elected Mayor of Bombay, Mr. S. K. Patil, is coming to the United States for a short visit, arriving in New York on May 24. The primary purpose of his trip, in addition to visiting members of his family now studying here, is to observe at first hand municipal self-government.

In this connection Mr. Patil desires to discuss city administration with the mayors of several United States cities, including Philadelphia.

Mr. Patil has been President of the Bombay Provincial Congress Committee since June 1946; a member of the All India Congress Committee since 1930, and of the Bombay Municipal Corporation since 1934. He is also a member of the Dominion Parliament for Bombay and of the select Working Committee of the Congress Party. As one of the younger leaders of the Congress Party now rising into greater prominence, and as the Mayor of one of the world's great cities (Bombay proper 3,000,000; Greater Bombay 4,000,000) it is desired to grant Mr. Patil every possible courtesy during his stay in the United States.

It would be appreciated if the Department might be informed as soon as possible if you could grant Mr. Patil the opportunity of an informal interview at some time between May 29 and June 2, as it is expected that Mr. Patil will be in the vicinity of Philadelphia during that period.

Sincerely yours,

For the Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
Bernard Samuels,
Mayor of Philadelphia,
Pennsylvania.

MAY 6 1949

S/S-PR:KLFenner:mcr 5-5-49 SOA

OFFICE OF THE MAYOR

CITY OF CHICAGO

MARTIN H. KENNELLY
MAYOR

PROTOCOL
JUN 6 - 1949
DEPARTMENT OF STATE

June 3, 1949

Mr. Stanley Woodward,
Chief of Protocol,
Department of State,
Washington, D. C.

Dear Mr. Woodward:

Replying to your kind letter of June 1, I shall be very glad to see the Mayor of Bombay, India, and I suggest he contact my office on his arrival in Chicago (telephone Randolph 8000, Extension 316) at which time an appointment will be arranged to suit his convenience.

Sincerely,

Martin H Kennelly

Mayor

167559

845.101/6-349

FILED
AUG 16 1949
O. S./H

845.101/6-349

JASPER McLEVY
MAYOR

EXECUTIVE DEPARTMENT

City of Bridgeport, Connecticut

34

Referred to
Mr. Jarvis 6/6 RJS

June 3, 1949.

PROTOCOL
JUN 6 1949
DEPARTMENT OF STATE

Mr. Stanley Woodward
Chief of Protocol
Department of State
Washington, D.C.

Dear Sir:-

This is to thank you for the information contained in your letter of June 1st. with reference to the visit to Bridgeport contemplated by Mayor Patil of Bombay.

I shall be pleased to see Mayor Patil and to give him every possible courtesy, on June 9th. at noon, which I understand is the time he expects to visit Bridgeport.

Assuring you that I appreciate your consideration in forwarding this schedule, I remain,

Sincerely yours,

187564

MAYOR

845.101/6-349

845.101/6-349
CS/H

A microfilm project of

WILLIAM C. CELENTANO
MAYOR
STANLEY J. VENOIT
EXECUTIVE SECRETARY
ALICE D. FOOTE
SECRETARY

CITY OF NEW HAVEN 10
CONNECTICUT
OFFICE OF THE MAYOR

PROTOCOL
JUN 6 - 1949
DEPARTMENT OF STATE

June 4, 1949.

Mr. Stanley Woodward
Chief of Protocol
Department of State
Washington, D.C.

in re: S/S-PR

Dear Mr. Woodward:

This will acknowledge receipt of your letter dated June 1, 1949 with reference to Mr. S. K. Patil, newly elected Mayor of Bombay and his visit to the United States.

In reply to the fourth paragraph of your letter with reference to an interview, may I say that June 9th is a Thursday, which is the regular meeting day of the Board of Finance, of which I am Chairman. The time of this meeting is 3 p.m. Therefore, if Mayor Patil can conveniently arrange to be at my office at City Hall at 2.30 p.m. on June 9th rather than at 4 o'clock I would be very happy to greet him and discuss the affairs of our municipality with him for at least half an hour before my meeting. If he at that time would care to attend a Board of Finance meeting I would be very glad to have him join me there also in order that he may get first hand information as to how our Finance Board operates.

With kindest personal regards, I am

Sincerely yours,

Wm C Celentano

William C. Celentano,
Mayor.

845.101/6-449

187563
F

845.101/6-449
CSH

A microfilm project of

CITY OF BUFFALO
OFFICE OF THE MAYOR

June 4, 1949

PROTOCOL
JUN 6 1949
DEPARTMENT OF STATE

Mr. Stanley Woodward
Chief of Protocol
Department of State
Washington 25, D. C.

Refer: S/S-PR

Dear Mr. Woodward:

Replying to your letter of June 1st, it will be a pleasure to meet Mayor Patil, of Bombay, and I shall look forward to his visit June 17th.

If there are any special formalities that should be observed, will you please advise me?

Very truly yours

Bernard J. Dowd
Mayor

FILED
AUG 16 1949

845.101/6-449

187562

CITY OF BOSTON
OFFICE OF THE MAYOR
CITY HALL

JAMES M. CURLEY
Mayor

PROTOCOL
JUN 8 - 1949
DEPARTMENT OF STATE

June 6, 1949

(Refer to S/S-PR)

Stanley Woodward,
Department of State
Washington 25, D. C.

My dear Mr. Woodward,

I acknowledge for His Honor, the Mayor, receipt of your recent communication advising of the proposed visit of the recently elected Mayor of Bombay, India, Mr. S. K. Patil.

I cannot guarantee that the Mayor will be here upon the occasion of the Mayor's visit on Friday, June 10th, but, nevertheless, if he will call at this office, every courtesy will be extended to him and arrangements might be made for him to meet the Mayor at some later date before his departure from the United States.

With kind regards, I am

Sincerely yours,

Martin J. Sum
Secretary

FILED
AUG 16 1949

187555

m

845.101/6-649
CS/H

FLETCHER BOWRON
MAYOR

OFFICE OF THE MAYOR
CITY HALL
LOS ANGELES 12, CALIFORNIA

June 7, 1949

PROTOCOL
JUN 13 1949
DEPARTMENT OF STATE

Mr. Stanley Woodward
Chief of Protocol
Department of State
Washington, D. C.

My dear Mr. Woodward:

Your letter of June first relative to the visit of Mr. S. K. Patil, Mayor of Bombay, has been received.

I should be very glad to have an opportunity to meet with Mr. Patil and shall be happy to arrange an appointment with him for Saturday afternoon, June 25.

Sincerely yours,

FB:M

M A Y O R

FILED
AUG 16 1949

187554

845.101/6-749
845.101/6-749
CS/H

City of Detroit

EXECUTIVE OFFICE

EUGENE I. VAN ANTWERP
MAYOR

PROTOCOL
JUN 8 - 1949
6/14
DEPARTMENT OF STATE

June 7, 1949

Reference: S/S-PR

Mr. Stanley Woodward
Chief of Protocol
Department of State
Washington, D.C.

Dear Mr. Woodward:

Mayor Van Antwerp will be honored and pleased to meet with the recently elected Mayor of Bombay, Mr. S. K. Patil, in his office in the Detroit City Hall, at 11:00 a.m., Monday, June 20th, and give him all information that it is possible to supply to assist him in his study of methods of municipal government.

We would appreciate information as to the identity of those who will be in the party of the Mayor of Bombay.

Yours very truly,

Don Champney
Asst. Executive Secretary

DC:mh

FILED
AUG 16 1949

845.101/6-749

187557

845.101/6-749
C.F.H.

OFFICE OF THE MAYOR
SAN FRANCISCO

ELMER E. ROBINSON

PROTOCOL
Oct. 6/14
JUN 13 1949
Clerk
DEPARTMENT OF STATE

June 7, 1949

Mr. Stanley Woodward
Chief of Protocol
Department of State
Washington, D. C.

Ref: S/S-PR

Dear Mr. Woodward:

This will acknowledge receipt of your letter of June 1, 1949, advising me of the impending visit of The Honorable S. K. Patil, Mayor of Bombay, India, to San Francisco.

I have received a number of communications with reference to Mr. Patil's visit, indicating his itinerary had not been firm to date. In one letter I was advised by the Consul-General of India in San Francisco that Mr. Patil would be here on June 15, 1949.

I note by your letter that he is expected to visit here on June 24, 1949, which, unfortunately, is a date when I shall be absent from the City. Previous commitments for that date will not permit my altering my schedule at this time.

However, I shall be more than happy to make all necessary arrangements to receive Mr. Patil. Perhaps I might designate some one of my official family to officially receive him and extend the courtesies of the City. I shall also assign a member of my staff to assure that any information he may seek about San Francisco will be made available readily.

With all good wishes, I remain

Cordially yours,

187556

FILED
AUG 16 1949

Elmer E. Robinson
Mayor

845.101/6-749

845.101/6-749
CS/H

A true copy of the signed original.

June 14, 1949

A true copy of the signed original.

In reply refer to
S/S-PR

My dear Mayor Robinson:

Thank you for your letter of June 7 concerning an appointment for Mr. S. K. Patil, Mayor of Bombay.

It is regretted that you will be away from San Francisco on June 24, but it will be appreciated if you will designate an official of the City to receive Mr. Patil and to make available to him any information it may be possible to furnish.

Mr. Patil has been accompanied by his son and daughter and Mr. Mohan Lal, an official of the Congress Party, and it is assumed they will be with him in San Francisco.

Sincerely yours,

For the Acting Secretary of State:

Stanley Woodward
Chief of Protocol

The Honorable
Elmer E. Robinson,
Mayor of San Francisco,
California.

S/S-PR:KLFenner 6-14-49

6/14/49 Ltr

A true copy of the signed original.

June 14, 1949

In reply refer to
S/S-PR

My dear Mr. Champney:

Thank you for your letter of June 7, 1949 confirming an appointment for Mr. S. K. Patil, Mayor of Bombay, with Mayor Van Antwerp at 11:00 a.m., Monday, June 20.

Mr. Patil has been accompanied by his son and daughter and Mr. Mohan Lal, an official of the Congress Party, and it is assumed they will be with him in Detroit.

Sincerely yours,

Stanley Woodward
Chief of Protocol

Mr. Don Champney,
Asst. Executive Secretary,
City of Detroit,
Michigan.

S/S-PR:RLFenner 6-14-49

FW 845.101/6-1449

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

DIVISION OF SOUTH ASIAN AFFAIRS
JUL 27 1949
DEPARTMENT OF STATE

No. 329

AMERICAN CONSULATE GENERAL
Bombay, India, July 21, 1949.

REC'D
JULY 27

UNCLASSIFIED

ACTION
NEA (2encls)

SUBJECT: Return from the United States of Mr. S. K. Patil, Mayor of Bombay.

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

With reference to my despatch No. 180 of April 11, 1949 and subsequent telegrams, I have the honor to report the return of His Worship the Mayor of Bombay, Mr. S. K. Patil, after the completion of his fifty-five day tour of Europe and the United States.

Mr. Patil arrived in Bombay the evening of July 3rd and two officers of this Consulate General had the opportunity for a brief informal conversation with him the morning of the 4th of July. On that occasion the officers extended verbal invitations to him for the Consulate General's official reception the evening of July 5th, and for a dinner party in the home of the Public Affairs Officer on the evening of the 6th. Both invitations were accepted and as a result several of the officers of the Consulate General have had the opportunity to talk with Mr. Patil informally.

In every conversation Mr. Patil has been completely enthusiastic about the reception he received in the United States. He was extremely pleased with the opportunities he had to meet the President of the United States, high State Department officials, and the Mayors of several of the major cities. The combination of the work of the Department's Reception Centers and courtesies extended on a personal basis by a number of American companies, including Firestone, Ford, and Morrison Knudson, convinced him that Americans are the most hospitable people in the world. Mr. Patil was clearly pro-American before he left on this tour. As of now he is one of the most

ardent local...

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RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

ardent local boosters for the United States.

The Mayor held a press conference on the morning of the 4th of July and all the local papers carried his first impressions. A considerably more thorough interview was accomplished by Mr. Homi J. H. Taleyarkhan, one of the city's best journalists, and appeared in the July 10th issue of Bharat Jyoti. The interview is enclosed with this despatch and serves as an adequate round-up of the several points that Mr. Patil has made in his numerous statements to the press and in his private conversations.

Mr. Patil's additional impressions of some of the major interviews that occurred during his tour will be the subject of a subsequent, classified despatch.

Respectfully yours,

Clare H. Timberlake,
American Consul General.

Enclosure: as

Bharat Jyoti, July 10, 1949,
clippings.

030(050)
WMHartwell:g

cc: American Embassy, New Delhi.

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Enclosure to Despatch No. 329 dated July 21, 1949 from Clare H. Timberlake, American Consul General, Bombay, India, entitled: "Return from the United States of Mr. S. K. Patil, Mayor of Bombay".

Returning from a whirlwind tour round the world, Bombay's Mayor feels that

We Have Much To Learn From The West

PATIL FINDS THE POPE THE MOST IMPRESSIVE PERSONALITY

AMERICANS ARE THE 'FASTEST' PEOPLE: BRITISH LABOUR ASSERTIVE, BUT PATRIOTIC



Mr. S. K. Patil with his son and daughter, V
for the M. Sc. in the New York University a
the Columbia Universit

Bombay's Mayor, who has returned after a 55-day tour round the world, gives his impressions in this exclusive interview to "Bharat Jyoti".

He found the Pope, who speaks a dozen languages, the most impressive personality he came across. The imposing grandeur of the Vatican was matched only by the austere simplicity of His Holiness.

Americans were a fast-moving people; even while they walked, they seemed to run.

There were strikes in Britain too, but the workers there were conscious of their responsibility.

By HOMI J. H. TALEYARKHAN

Mr. S. K. Patil, Mayor of Bombay, has broken several records. His latest has been his world trip. He has set up a world record for all Mayors since Adam. Mayors seldom travel far. And the most they generally do, while they are Mayors, is to travel from one end of the town to the other. Our Mayor travelled from one end of the world to the other. All in less than sixty days. Not Mark Twain or Marco Polo covered so much in half their lifetime. Needless to say no Indian from the times of Chandra Gupta to the age of Mahatma Gandhi!

Patil did not rush around his 45,000 miles just to set up a speed record. He had no intention of competing with the records of the late speed king—Malcolm Campbell. He went to the Western world to learn its tactics in managing its municipal affairs. Incidentally he introduced the Bombay Municipality of [illegible] is known in coun-

made to feel thoroughly at home," Patil said, "wherever I went by the honour that was done to me as the Mayor of Bombay." Patil is not the man to allow the dignity of the office he holds to be offended in anyway. So we may take his word for it that due attention must have been paid to his visits to the various cities and towns.

Press Reception

AGAIN NOT ONLY the official reception. But also the press reception was overwhelming. The Mayor was the centre of attraction in the press of the city or town he visited for the time he was there. "I have assured," Patil asserted, "the position of the Bombay Mayor in the places I visited and whoever the Mayor of Bombay may be who chooses to tour will be received with equal esteem, regard and respect."

Not only were cars placed at his

days all told. In spite of the fact he travelled so much, he managed to see and study, to examine and inspect almost as much.

His energy apart, Patil readily confessed that he was aided a great deal, especially in America by the State Department which fixes everything for you. They practically sponsored his stay in the States. The State Department is an elaborate organization of the American Government, whose principal business is to look after visiting personalities and representatives from other countries—to receive them at airports, to arrange receptions for them, to fix up appointments, to take them on inspection tours and generally to see that they carry away the best impressions of their city.

These State Departments are situated in three principal cities of America—New York, Washington and San

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There were strikes in Britain too, but the workers there were conscious of their responsibility.



Mr. S. K. Patil with his son and daughter, Visvanath who is studying for the M. Sc. in the New York University and Susheela, an M. A. of the Columbia University.

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Up to now when an ex-Mayor of Bombay went abroad, it meant nothing to anybody. But now after Mayor Patil's trip, his stock has gone so high that the esteem in which anybody who has held this office will be regarded is assured.

Overwhelming Hospitality

BOMBAY'S MAYOR was received with the greatest eclat everywhere. He told me that Western hospitality was overwhelming. "In Berne, Switzerland, Taleyarkhan, the Mayor not only placed a car at my disposal, but ordered the hotel where I was staying not to bill me during the time of my stay."

I learned subsequently that placing a car at his disposal is an ordinary courtesy extended by the Home Mayor to a visiting brother Mayor, no matter from whatever part of the world he hails.

In New York when a visiting Mayor pays an official call on the Mayor of that city, he is right royally escorted with a pilot car in front and some others behind. In every case, the Home Mayor pays the first call on the visiting dignitary, who subsequently returns it "in state," as I have just described.

Not only that, at every airport, elaborate arrangements are made for receiving a "foreign" Mayor. "I was overwhelming. The Mayor was the centre of attraction in the press of the city or town he visited for the time he was there. "I have assured," Patil asserted, "the position of the Bombay Mayor in the places I visited and whoever the Mayor of Bombay may be who chooses to tour will be received with equal esteem, regard and respect."

Not only were cars placed at his disposal, but even private planes were the privilege of the Mayor. Two of the world's greatest firms like Firestone's of the tyre fame, and Morrison Knudson (known in America as M.K.'s), the great Engineers, spared their planes for the facility of the Mayor during his stay in their city and for touring in towns around.

Foreign Mayor's Powers

THE MAYOR ABROAD is a very powerful person. He is not like the Mayors of India, little more than a figurehead at the mercy of a constitution which does not permit him to exercise his judgment to the best of his discretion.

The Mayor in foreign countries is a highly paid official, with his term of office never under three years or over six. I thought at that rate he must be an appointed officer. But Patil corrected me and said, "Oh no! He is elected by the vote of the entire town he is aspiring to govern—and once elected he enjoys the people's confidence so much that he actually does rule the town or city during his regime."

I remembered that was how La Guardia, the late Mayor of New York, had become so famous all the world around.

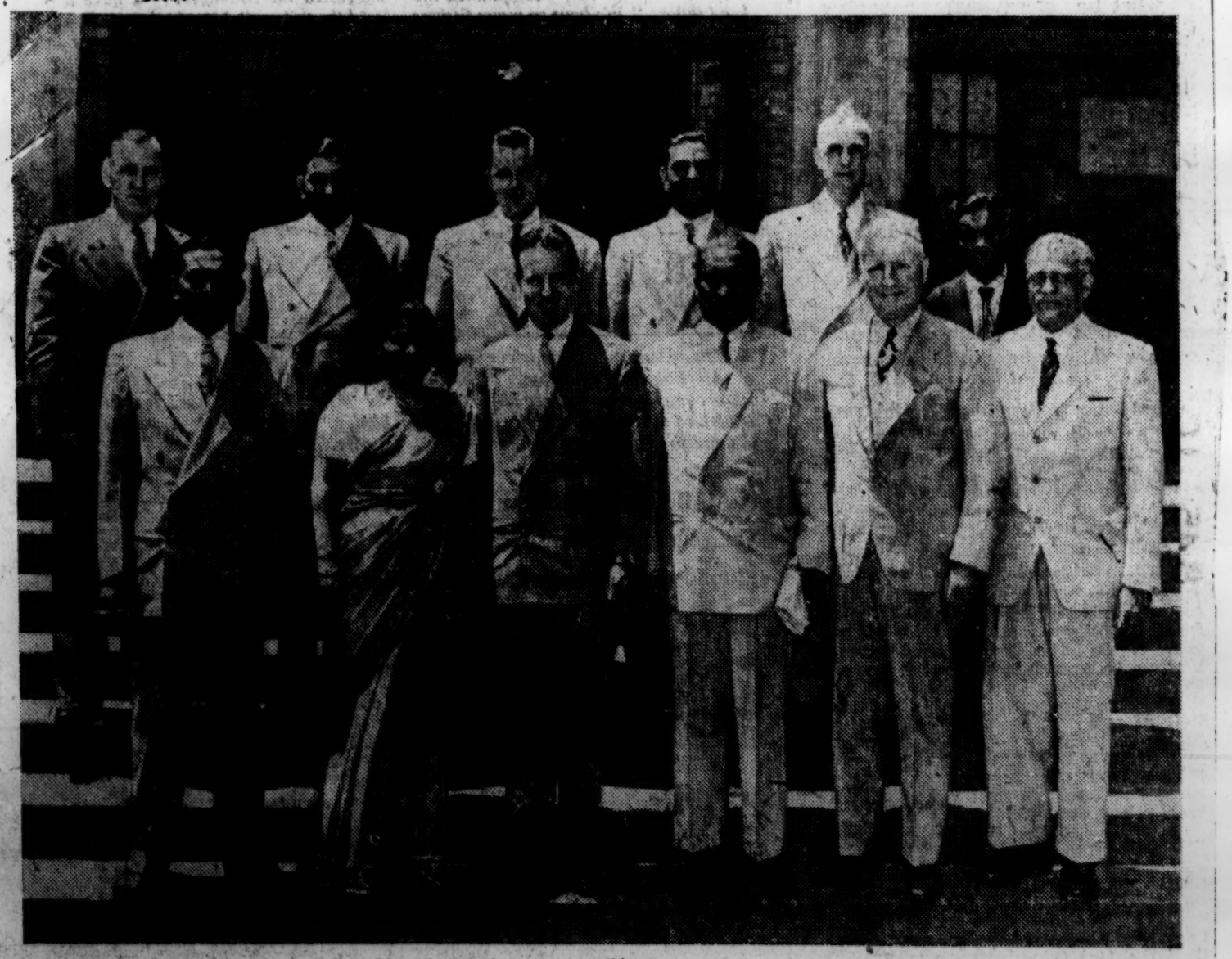
American State Dept.

PATIL VISITED no less than 40 of the world's biggest cities during his 45,000 mile trip, travelling at the average of 1000 miles per day in 33

sonalities and representatives from other countries—to receive them at airports, to arrange receptions for them, to fix up appointments, to take them on inspection tours and generally to see that they carry away the best impressions of their city.

These State Departments are situated in three principal cities of America—New York, Washington and San Francisco—and are most efficiently run. "You will be surprised, Taleyarkhan," said Patil, "if I tell you that at all these three places, the heads

(Continued on Page VI)



Mr. Patil seen with some of his American friends.

"CHARMING INFORMALITY": PATIL'S IMPRESSION OF TRUMAN

(Continued from Page I)

are smart American women. I strongly feel that in our principal cities here, we should also open such departments." Patil however hastened to add that he did not necessarily mean that women should be at the head of each of them!

His Holiness

PATIL MET hundreds of high dignitaries wherever he went, but in his crowded memory, it seemed three people stood out the most conspicuously. The Pope made the greatest impression on him. "I was struck," he told me, "with the amazing combination of imposing grandeur as exemplified by the Vatican and the pristine simplicity as typified by its titular head, His Holiness, the Pope."

He related to me the substance of the talk he had with him. "The Pope speaks about a dozen languages," he explained in reply to my question what language they had conversed in. "He spoke to me in perfect English."

Patil was touched by his deep love for Mahatma Gandhi and for the country he had led to freedom. "I know," His Holiness said to His Worship, "that India is destined to be the leader of Asia in matters of world peace for mankind."

The American President

THE OTHER MAN I do not think Patil will ever forget his meeting with was HARRY TRUMAN, President of the United States. "I was with him for 20 minutes," he said, "and in those 20 minutes the picture that has been engraved on my mind is one of the President's charming informality and his utter straightforwardness. He is the man who never hesitates to call a spade a spade."

Patil went on to describe that, the White House left on his mind an indelible impression of this informality.

"I saw no lines of policemen or guardsmen parading the grounds or the corridors of the great White House. Nobody stopped you from walking where you will. You were conducted to the reception room, announced and within a minute, at exactly the appointed time, taken into the presence of the man you were appointed to meet."

"What did you say to Truman?"

"I didn't say much," said Patil, "he led the talk all the time and I think of the twenty minutes we were together the President talked for "I don't know their proportions, but I do know that all the naughty rivers in the state will be "dammed" by them!"

The other remarkable feature was the water line. "I thought," Patil admitted, "that our water line of 70 miles, that is the distance between Tansa and Bombay, was the longest line of supply. But when I saw the water line in San Francisco, over 150 miles long and in Los Angeles, THREE HUNDRED MILES long; my little pride over Tansa was completely humbled!"

World's Largest Factories

BESIDES MUNICIPAL works, he also visited some of the largest factories in the world, including the Ford Plant, the Chrysler Plant and the Firestone Plant at Akron. "It is quite an experience, Taleyarkhan, to see them. Just like your newspaper which turns out thousands of copies every morning from the rotary machine, I saw motor cars coming off the assembly lines almost as fast." Ford's Plant which engages 1,20,000 workers in Detroit, turns out 5,000 cars a day and a similar number is being moved out by the Chrysler Plant.

"What about the condition of public health in the places you visited?"

Patil had formed the general opinion that health care was given the top priority everywhere, but he thought that the American public health system was the best ever worked.

"Though thousands of people come into New York daily, the

why he is walking so fast, he would scratch his head and say, "I am sure I don't know."....And immediately rush away at full speed again.

Horror For Communism In West

I DOUBTED if Patil could have had the time to take in the political tempo in the west. But the indefatigable mayor-politician had not spared himself from obtaining an impression of the current trends.

The general trend he found in all the countries he visited was a genuine horror for communism. Even in France, though Communists are the largest single party in the country, the people of France are thoroughly opposed to the principle and practice of Communism. "Of necessity," commented Patil, "the French temperament cannot accept Communism."

India commanded great respect in foreign eyes today because everyone was looking upto her as a bulwark against Communism in Asia.

Patriotic Labour

"HOW DID you find Labour conditions?"

He had time to look into even that. "One principal feature I noticed," he said, "which can as a common current through all the countries was THAT EVERYONE DID WORK AND PRODUCE MORE. The habit of industry is ingrained in their blood. As a result of which western production is never in danger.

I commented that it was strange since the phenomenon of strike was no less common abroad than it was here.

"Yes," said Patil, "but with a difference. Labour do fight for their legitimate rights, but it is patriotic enough to put the country's interests above its own. And moreover they are always willing to refer any dispute to arbitration."

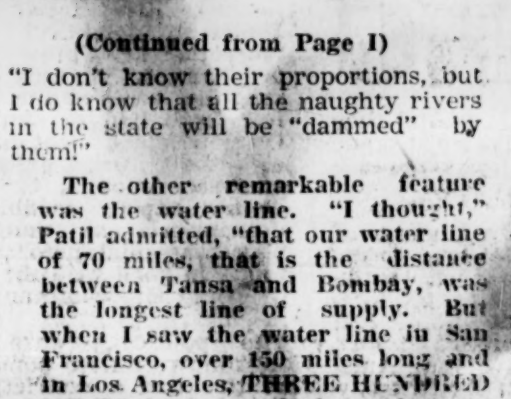
I gathered that in England and America today, they work only five days a week. That is, two days in the week, the Saturday and Sunday are complete holidays, when labourers and others go off on a week-end rest or have it at home.

Even shops in America close down by 5-30 p.m. "which is sometimes a nuisance" as Patil could not shop after his "office hours" as he probably wanted to!

Remarkable Recovery

WHEN I ENQUIRED how the nat-

"GOT A MATCH?"



The Jackson ville Times-Union



"GOOD SHOT IF SHE MAKES IT"

INDIAN HILL BIRDS: By Salim Ali. Illustrated in colour by S. A. Henry). Published by Oxford University Press. 188 pages. Price Rs. 20.

Here is a book that will be the collector's delight. A book with 64 full colour illustrations, each a delight to the eye and the senses, and full details about habits and habitat of hill birds of India, this should interest everyone interested in the study of nature and open-air. No special knowledge is needed to enjoy the graceful majesty of The Himalayan Golden Eagle, the soft gray down of a Grey Pie, the fascinating long-tail of a Verditer Blue Magpie, the soft green, red, yellow of the Wedge-Tailed Green Pigeon, the tan-tail of a White-throated Flycatcher.

The author, Salim Ali, has spent his lifetime studying birds, going in search of them all over the country. Twenty-five long years he has devoted to this bird-hunt which he says is his hobby. Seeing this book, one only wishes that more time has been well

RAMANAMA: By M. K. Gandhi. Published by Navjivan Publishing House, Ahmedabad. 36 pages. Price Re. 1.

Ramanama was for Gandhiji not only a solace and a support in difficulty but also an inspiration to live as nature meant man to live. If man put his body as well as soul in the hands of God, Gandhiji was sure, he would be free from disease and worry. This little book contains Gandhiji's views on the efficacy of Ramanama in living of life.

RURAL INDIA: (Food Problem Number)—May-June, 1949. Published from Ishwardas Mansion, Chowk, Bombay 7. Price Rs. 2/8.

This 100-page issue of Rural India (which is a regularly published monthly) contains articles on food such writers as J. C. D.

guardsmen parading the grounds of the corridors of the great White House. Nobody stopped you from walking where you will. You were conducted to the reception room, announced and within a minute, at exactly the appointed time, taken into the presence of the man you were appointed to meet."

"What did you say to Truman?"

"I didn't say much," said Patil, "he led the talk all the time and I think of the twenty minutes we were together the President talked for seven.

Patil was due to see Truman accompanied by the Ambassador, Mrs. Vijaya Laxmi Pandit who however sprained her foot at the very last minute and had to hand over her charge to her next in command, Mr. Sen who was seen photographed with Truman and Patil.

The British Minister

THE THIRD MAN—of course to a much lesser extent—uppermost in Patil's mind, was BEVAN, the British Minister for Health. "A typical touch chap", said Patil jovially. They had met at a reception in Patil's honour held at India House by the Indian High Commissioner, Mr. Krishna Menon. Bevan was full of good humour and "very, very proud of being Scotch".

When Patil described London and New York as the biggest cities in the world, Bevan promptly got up and said, "Nonsense, Sir, there is no city in the world to beat Cardiff, and if as you say, London and New York are fighting as to which one of them is the biggest, the honour must surely go to the one and only—CARDIFF." And he sat down quite seriously amidst roars of laughter.

Municipal Systems

"TO WHAT WAS your study and interest chiefly devoted?"

The Municipal system of the world, naturally was the reply. Patil saw their working at close quarters. He told me that he came across four distinct types of municipal institutions in the course of his travels. The Roman, French, English and American. Each has its own characteristics and genius.

IN ROME, the municipal administration extends right back from the dawn of the Christian era. In Italy the chief is not known as the Mayor, but as the President of the City Council and as such he wields enormous authority over area of 1,000 miles.

IN FRANCE, he met Pierre De Gaule, Mayor of Paris, brother of the great De Gaule and a very powerful man. In the French municipal system, the police are also under the Mayor.

THE LORD MAYOR OF LONDON controls a very small area but is absolute master of it together with the London County Council.

IN AMERICA, the municipal administration is divided between Mayors and City Managers. The latter are vested with complete authority to carry on the civic Government without any interference. They are vested with those powers by the grand body which however meets only once in three months or so.

Water Works In The States

IN THE COURSE of his inspection of municipal works, I asked Patil by what was he most impressed? Without hesitation he mentioned the water works of America. It is a land of dams and though so far the Boulder Dam is the biggest, two more called the Chester Dam and the other funnily called, "The Hungry Horse" Dam, now under construction, are going to be larger still.

When I wanted to know their proportions, he commented humorously, cars a day and a similar number is being moved out by the Chrysler Plant.

"What about the condition of public health in the places you visited?"

Patil had formed the general opinion that health care was given the top priority everywhere, but he thought that the American public health system was the best ever worked.

"Though thousands of people come into New York daily, the health department keeps such a strict vigilance that within an hour of your arrival, you get a phone at your hotel asking you to have yourself examined. They want to make sure that no infection is brought into the congested metropolis."

England's Plans

IN ENGLAND Patil saw an Exhibition of Plans for the amelioration of the city such as "I had never seen". He was replying to my question about the housing programme in London, and said in that connection that England was planning out neighbourhood centres for colonies of 5,000 and 10,000 and also larger community centres for accommodating 100,000. He was also shown the bombed out areas. The sights of tragedy were being transformed into attractive sites for recreation and gardens.

Speed

PATIL FEELS that many more public men from India should go abroad and see the working of the various Governments and administrations. I commented "they could do so only if they had "wings" like you". Which led him to tell me about the speed of people in general.

London he found was very slow moving, but in America everybody moved like a hurricane, very often for no reason at all. If you stop an American in the street and ask him days a week. That is, two days in the week, the Saturday and Sunday are complete holidays, when labourers and others go off on a week-end rest or have it at home.

Even shops in America close down by 5-30 p.m. "which is sometimes a nuisance" as Patil could not shop after his "office hours" as he probably wanted to!

Remarkable Recovery

WHEN I ENQUIRED how the nations of the west were recovering from the effects of the war he told me that he was simply amazed by the "remarkable resilience" of countries like Italy and France which "almost looked as if they had never been through the war". Food and other articles were available in ample abundance and life was in full swing.

England had shown how "tough and stubborn" she was to the "punches" of Hitler, and though knocked about was far from being knocked out. As a matter of fact, Patil commented she has turned her adversity into an opportunity of planning and building a better England.

Public Relations

MY LAST enquiry concerned the knowledge of the west about India and her affairs. Patil shook his head in a grimace. Though respect for us as a nation has gone up enormously, the knowledge of the common man about Indians in general is very poor.

He felt the necessity of more competent public relations and information offices, "so that at least," he added in light vein, "Americans would not say to every Indian girl in a sari, 'When there are such pretty girls like you in your country I wonder why that Maharaja so and so did not take you as a bride or why that Prince Ali Khan had to marry Rita Hayworth.'" Of course they mean it as a compliment, and often wonder why the girl, blushing, walks away!

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

S/S-PR

845.101/7-2649

AMERICAN CONSULATE GENERAL

Bombay, India, July 26, 1949

REC'D
JULY 30

NO: 345

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SUBJECT: Return from the U.S. of Mr. S.K. Patil, Mayor of Bombay. (Continued)

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON.

SIR:

Further to my despatch No. 329 of July 21, 1949 in the above subject, I have the honor to transmit herewith copies of two letters received today from the Mayor of Bombay, testifying to the high success of his recent visit to the United States, and commending in particular the courtesies extended to him by the Department of State and by the field offices at New York and San Francisco.

XR 033.4511

Respectfully yours,

Clare H. Timberlake
American Consul General

Enclosures: att

1. Copy of letter addressed to Mr. Timberlake
2. Copy of letter addressed to Mr. Witman

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Copy to: American Embassy, New Delhi

UNCLASSIFIED

ACTION COPY

RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

AUG 8 1949

845.101/7-2649

DMR

Enclosure No.1 to despatch no.549, dated July 28, 1949, from Clare H. Timberlake, American Consul General, Bombay, India, entitled: "Return from the U.S. of Mr. S.K. Patil, Mayor of Bombay (Continued)"

Copy - db

S. K. PATIL

MAYOR OF BOMBAY

Corporation Hall,
Bombay, 23rd July 1949

C. H. Timberlake, Esquire,
Consul General for United States of America,
Construction House,
Ballard Estate,
Bombay.

Dear Mr. Timberlake,

Ever since I returned to Bombay after my hectic your in Europe and the States, I have been moving round between Bombay and New Delhi and hence I could not come to see you personally for a quiet chat.

My tour was indeed a grand success and may I say that a large portion for the credit of that success undoubtedly goes to you and the State Department of U.S.A. But for your initiative and friendly interest in me all this would have been impossible. Right from the time I landed at La Guardia up to the day of my departure from New York, there was nothing that the State Department did not do for me. I was treated as a royal guest throughout my tour in your beautiful country. The offices of the State Department in Washington, New York and San Francisco spared no pains in making my tour both pleasant and instructive. Mrs. Belt, who is in charge of the office in New York, was tact and efficiency personified. She used to keep a check on even the minutest details of my itinerary. I am writing to her separately. I wish I was in a position to see your parents personally. I wrote to them from Chicago giving them my personal respects. I have made a number of friendly contacts in the States and I am looking forward to visiting that country once again in the near future.

When I am a little more free from my routine work I shall call on you and give you the impressions of my tour. If I can do anything in my humble capacity to further promote Indo-American friendly relations, please treat me to be ever at your disposal.

With kindest regards,

Yours sincerely,

S.K. Patil

Enclosure no.2 to despatch no.345, dated July 26, 1949, from Clare H. Timberlake, American Consul General, Bombay, Indiam entitled: "Return from the U.S. fo Mr. S.K. Patil, Mayor of Bombay (Continued)"

Copy - db

S. K. PATIL

MAYOR OF BOMBAY

Corporation Hall,
Bombay, 23rd July 1949

William Witman II, Esqr.,
Consul for U.S.A.,
Construction House,
Ballard Estate,
Bombay.

My dear Mr. Witman,

I have been in such a mad hurry ever since I returned from the States that I could find no time to pay a visit to the Consulate and have a chat with you friends. It is no exaggeration if I say that words fail me to adequately express my gratefulness for all that your Consulate has done for me. But for your personal and kindly interest in me, my tour would not have been as grand a success as indeed it has proved to be. The hospitality and kindness of your country were overwhelming and infectious. I have made numerous friends and contacts, whose association I will always cherish in my life. I am looking forward to visiting that country once again in the near future. When I am a little more free I shall call on you for a quiet chat.

With kindest regards,

Yours sincerely,

S.K. Patil

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE GENERAL

UNCLA SIFIED

Bombay, India, September 13, 1949

NO. 433

Subject: Introduction of Identity Card in City of Bombay.

THE HONORABLE
THE SECRETARY OF STATE
WASHINGTON

DIVISION OF SOUTH ASIAN
DEPARTMENT OF STATE.

Sir:

I have the honor to transmit copy of a communication dated September 9, 1949 from the Municipal Commissioner, Bombay, stating that the question of providing every adult citizen of Bombay with an identity card for general identification purposes, and possibly as a substitute for the electoral roll, is now under consideration. Mr. Patel also requests information regarding any similar use of identity cards in the United States.

Although I doubt that identity cards, if issued at all by American municipalities, are put to such purpose in the United States, it would be appreciated if the Department would provide any available information on this subject for transmittal to the Bombay Municipality. A copy of my acknowledgement is also enclosed.

Respectfully yours,

Clare H. Timberlake
American Consul General

Enclosure:
Copy of communication from Municipal Commissioner dated September 9, 1949 and reply dated September 13, 1949

360.01
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Copies to: American Embassy, New Delhi
American Consulates General, Calcutta and Madras

UNCLASSIFIED

FILED
OCT 20 1949

845.101/9-1349

FAP

ACTION COPY

RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

Enclosure no. 1 to despatch no. 433 dated September 13 1949, from Clare H. Timberlake, American Consul General, Bombay, India, entitled "Identity Card in City of Bombay".

Copy ad

BOMBAY MUNICIPALITY

No. TC/59/Ch. of 1949-1950

Bombay 9/9/1949

From

The Municipal Commissioner,
for the City of Bombay.

To

The American Consul General,
Bombay.

Subject:- Introduction of Identity Card in the City of Bombay.

Dear Sir,

I am considering the question of providing every adult citizen in the City with an Identity Card for general identification purposes and if possible to treat them as substitutes for the Electoral roll so as to save the cost for preparing the Rolls. Whether the Card in itself is enough to dispense with the preparation of the Rolls is a moot question. As several Municipalities in the United States of America may be issuing identity cards to their citizens I shall feel obliged if you will please let me know whether they prepare the rolls for their elections. If not, how the elections are held may please be stated.

As the identity card is useful not only to the Municipality but to Government and to the holder as well in several walks of life, I would also be obliged if any information as to how the cost is shared is obtained.

As this Municipality will be introducing the Card without any experience in the matter, it would be very helpful if literature, if any, on the subject is made available.

An early reply will be much appreciated.

Yours faithfully,

Sd/- B.K. Patel
Municipal Commissioner

A microfilm project of

Enclosure no. 2 to despatch no. 433 dated September 13, 1949, from Clare H. Timberlake, American Consul General, Bombay, India, entitled "Identity Card in City of Bombay".

Copy -- ad

AMERICAN CONSULATE GENERAL

Bombay, India, September 13, 1949

Mr. B.K. Patel,
Municipal Commissioner,
Bombay Municipality,
Bombay.

Sir:

The receipt is acknowledged of your letter no. TO/59/SR of 1949-1950 dated September 9, 1949 regarding the introduction of an identity card in the city of Bombay.

Although I doubt that identity cards are issued for such purpose in the United States, I have referred your request to the Department of State, and shall be pleased to transmit to you any reply which may be received.

Very truly yours,

Clare H. Timberlake
American Consul General

A microfilm project of

FORM DS-323
3-4-49

OUTGOING AIRGRAM

~~NEA~~
DC/R

Department of State

610

UNCLASSIFIED
CLASSIFICATION

AMCONSUL

BOMBAY (INDIA)

610

A-171 October 7,1949

Identity cards not required by or used in any U.S. cities. Therefore, no info available this subject. (URDESP 433, SEP 13).

845.101/9-1349
N.D.

WEBB
(ACTING)

Webb
Acting

845.101/9-1349
CS/M

NEA:SOA:FRWarden:cha
10/5/49

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CR OCT 8 1949 PM

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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

ACTION COPY

DEPARTMENT OF STATE

INCOMING TELEGRAM

ROB-K-N
Paraphrase before communicating to anyone.

10043

New Delhi via War.

Dated March 27, 1946

Rec'd 4:20 p.m.

ACTION: NEA
INFO:
A-D
SA
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DC/L
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DC/R

SECSTATE

384, March 27, 10. a.m.

Indiscipline in Delhi police force involving some 300 men brought under complete control by March 24 following arrest of 86 policemen. No apparent political implications. Congress bloc in Central Assembly indicated sympathy with police demands for better pay and shorter hours by introducing adjournment motion which was defeated March 25 by Govt and League and casting vote of League acting speaker. Airgram follows.

MERRELL

MP

CONFIDENTIAL

mjt 3-28-46 nodist

845.105/3-2746

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DF

ACTION: NEA

INFO:

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A:D

SA/M

EUR/X

EUR

NEA

OCD

FC

DC/R

1488

From: American Mission
New Delhi

COMMUNAL

Date: March 27, 1946

Rec'd: 9:17,a.m. Apr.9

DIVISION OF
MIDDLE EASTERN AFFAIRS
APR 9 - 1946
DEPARTMENT OF STATE

Secretary of State,
Washington.

845.105/3-2746

U-6d, March 27, 11 a.m.

Reference Mission's telegram No. 564 of March 27, 10 a.m.

On March 21 some members of Delhi Provincial Police demanded increased salaries and allowances, as well as shorter working hours. In support of those demands, several hundred policemen in quarters refused to use usual mess facilities for Government rations and were disorderly, but none refused to perform duties.

On March 23 about 100 policemen paraded in Old Delhi; parade broken up by four tear gas bombs and arrest of 86 men; Home Member stated in Central Assembly that no more than 300 men were involved and that GOI and Chief Commissioner appreciated need for dealing with disturbance "with greatest possible restraint and discretion"; adjournment motion in Assembly, in censure of Government, was postponed until March 25 and official press statement was issued that police were functioning normally and their grievances were being investigated.

British military maintained troops around part of Old Delhi until March 25 and American troops, none of which have been involved, were restricted from certain parts of city. Two instances of behavior of crowds to British uniformed personnel, not reported in press, caused British to keep railway stations out of bounds to all personnel not travelling on official orders until March 25.

Leadership of disturbance cannot be ascribed to Communists or Congress Socialists, though Mrs. Asaf Ali is reported in the press to have encouraged policemen to assert their grievances. Mr. Asaf Ali brought adjournment motion mentioned above which was defeated by casting vote of the acting Speaker, a Muslim League member, after 64-vote tie, League voting with Government.

Tension

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UNIVERSITY PUBLICATIONS

A-62, 3/27/46, New Delhi

-3-

Tension has now relaxed, but example of Delhi police may be followed elsewhere in India where same grievances exist.

Merrell

Copies to:

American Embassy, London
All Consulates in India

SCC

ADGatewood:lb

Hecto. rpt. to Department.

CONFIDENTIAL

NO. 1361

AMERICAN CONSULATE

Karachi, India, November 13, 1946

UNRESTRICTED

SUBJECT: Possibility of Employment in the United States of Former British Civil and Police Service Officials.

1—1055

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to call to the attention of the Department and of such other agencies of the United States Government as may be interested, the fact that under the new Interim Government in India it is proposed to so reorganize the long established Indian Civil Service and the Indian Police Service as to render positions in them untenable from a remuneration point of view for a majority of the senior British officials. Salary and allowance cuts now being contemplated would in many cases reduce these officials' total net income by as much as two-thirds, which in view of their family situations and standards of living means that they must look elsewhere for employment.

Apparently these men are not wanted by the British Empire in other posts either in the Dominions, the United Kingdom or in the Colonial Service, in view of the official hierarchies already long established in each which would be seriously disrupted were senior men to be introduced in the upper grades. Accordingly, a number of them are now beginning to look outside the Empire for future employment and this Consulate alone has already been approached by three of the higher ranking officials who have been interested in the possibilities of obtaining positions in the United States.

Needless to say, some of these men are of exceptionally high caliber -- well-trained experts in their individual Government lines. In particular, one of the three who has so far approached this Consulate, Douglas W. B. CARNAGHAN, has an excellent, though brief, record in Karachi as the Superintendent of Police. In my opinion he has personally been one of the strongest factors in the maintenance of unbroken civil peace in Karachi and Sind during a time when the rest of India has been characterized by frequent outbursts and disorders. He is energetic, imaginative, and able.

Mr. /

UNRESTRICTED

845.105/11-1346

AIR MAIL

From Karachi, India, November 13, 1946 - Despatch No. 1361

Mr. Carnaghan feels that it is out of the question for him to remain in India under the new proposed administration of the Police Service, and has asked this Consulate whether or not one of the policing agencies in the United States, either federal or state would be interested in his services. I, of course, pointed out the citizenship difficulties, to which he replied that whereas he was not anxious to abandon his British citizenship, under the right circumstances he might be willing to do so.

When I suggested that the legal aspects and administrative differences between police work in the United States and under the British Government might seriously obstruct transference from one service to the other, Carnaghan stated that he was financially prepared to devote two or even three years to legal and administrative training in the United States prior to assuming a new position.

The purpose of this despatch is to request the Department's instructions as to the answers which should be given to these individuals, of whom there will undoubtedly be a considerable number. The policies of such agencies as the Federal Bureau of Investigation in the selection of candidates for responsible positions may automatically eliminate the possibility of their being interested in men such as Mr. Carnaghan despite his proven ability and qualifications. If such is the case, I would appreciate being so informed in order that I may dissuade future applicants from futile consideration of employment in the United States.

Respectfully yours,

Joseph S. Sparks
American Vice Consul

000
Joseph S. Sparks/dxm

Original and copy (ozalid) to the Department
Copy to:

American Embassy, New Delhi
American Consulate General, Bombay
American Consulate General, Calcutta
American Consulate, Madras

UNRESTRICTED

OUTGOING AIRGRAM

PREPARING OFFICE WILL TYPE HERE CLEARLY THE CLASSIFICATION OF THE MESSAGE: ~~SECRET~~

Department of State

UNRESTRICTED

NO. A-55

TIME

Washington,

~~MEI~~
DC/R

26
Dec ~~25~~, 1946

2905

AMCONSUL

KARACHI (INDIA)

2905

Reference your despatch 1361 dated November 13, 1946 concerning possible employment in the United States for former British ICS and Police Officials.

The Department believes that in general former British members of the Indian Civil and Police Services cannot be offered much hope of obtaining public employment in the United States. It is felt, first, that the requirement of American citizenship which necessitates five years' residence, and, second, the same factors mentioned in your despatch applicable to British territories, namely the disruption of established hierarchies, would prevent employment of these officials in important police or administrative positions in the United States.

However, American business firms desiring representation in India might be interested in the services of some of these officials in view of their knowledge of the area. Inquiries of this nature should be routed to the Department of Commerce for action.

There is a possibility that some former British officials, especially those in the Civil Service, might find employment with the United Nations, whose permanent personnel is allocated by nationalities on a quota basis. Interested parties should be told to communicate with Miss Mary Smieton, Director of Personnel, United Nations, Lake Success, New York, giving details on their qualifications.

DISTRIBUTION DESIRED (OFFICES ONLY)

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NO. 1552

AMERICAN CONSULATE GENERAL

Calcutta, India, April 29, 1947

UNCLASSIFIED

SUBJECT: Reports on Police Administration in Bengal.

1—1403

DIC NEAR EASTERN AND AFRICAN AREA DIVISION - (NEA)
MAY 22 1947
Department of State

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to my despatches nos. 1004 and 1460 of August 6, 1946 and March 10, 1947, respectively, regarding the incidence of crime in Calcutta and to forward for the Department's information single copies of the 1942 and 1943 issues of a "REPORT ON THE POLICE ADMINISTRATION IN THE PROVINCE OF BENGAL EXCLUDING CALCUTTA AND ITS SUBURBS." by G. H. Mannooch, Inspector-General of Police, Bengal. It has been possible to secure only one copy of each.

1/- & 2/-

Attempts are being made to secure a copy of the report for the year 1944 which is expected to be published at the end of June, 1947.

Respectfully yours,

Samuel J. Fletcher
American Consul General

Enclosures:

1. Copy of "Report on the Police Administration in the Province of Bengal Excluding Calcutta and its Suburbs" for the Year 1942;

2. Copy of "Report on the Police Administration in the Province of Bengal Excluding Calcutta and its Suburbs" for the Year 1943.

DEPARTMENT OF STATE
ACQUISITION AND DISTRIBUTION
DIVISION
DISTRIBUTION BRANCH
MAY 20 1947

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DEPARTMENT OF STATE
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OFFICE OF INTELLIGENCE
COLLECTION AND DISSEMINATION

845.105/4-2947

Government of Bengal

Report on the Police Administration in the Province of Bengal excluding Calcutta and its Suburbs

For the Year 1943

By

G. H. MANNOOCH, C.I.E.

Inspector-General of Police, Bengal

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1947

Report on the Police Administration in the Province of Bengal excluding Calcutta and its Suburbs for the year 1943.

Section II.

Paragraphs 2 and 3.—Eastern Frontier Rifles (Bengal Battalion), Dacca, 1943.

Sanctioned Strength.

Year.	Number of Commandant.	Number of Assistant Commandants.	Number of Subadars and Jamadars.	Number of Havildars.	Number of sepoys and buglers.	Total.	Remarks.
1942	1	3	16	66	762(*a*)	848	(*a*) Including 9 sepoy drivers sanctioned temporarily.
1943	1	3	19	50(*b*)	752	825	(*b*) Including 1 honorary jamadar.

Note.—There was a change in the strength of the Battalion due to its re-organisation and formation on a Company basis.

Training, Casualties, Punishment, etc.

Year.	Training.		No. of armourers who have completed Refresher course.	No. of trained in motor driving.	No. of St. John Ambulance Division.	Casualties, health, etc.									No. departmentally punished.	No. punished judicially.	No. of students at Battalion School.		
	Physical.	Armourer.				No. of admission into hospital.	Retired on pension.	Resignation.	Discharge.	Death.	Desertions.	Dismissals.	Failed to return from leave.	Compassionate pension.			Boys.	Girls.	Recruit boys.
1942 ..	2	4	1	15	1	696	29(*a*)	33	2	7	2	..	3	..	85	2	65	34	11
1943 ..	4	1	....	20	1(*b*)	1,169	11	53	2	8	7	2	5	..	93	1	54	22	14

(*a*) 26 invalided.
(*b*) Disbanded in August.

Section III.

Paragraph 5.—Statement showing award of prizes for shooting by members of the Force for 1942-43.

	Name of officer.	Branch.	Possible score (points).	Points scored.	Prize.
Revolver shooting	Mlv. Nassimuddin Ahmed, Inspector, C. I. D., Bengal.	Unarmed Br. ..	96	68	1st prize.
Ditto ...	Inspector W. Scoones of Burdwan	Armed Br.	96	70	do.
Musketry ..	Hd. Const. No. 525 Shaikh Mahammad Yusuf of Jessore	....	168	167	do.

Paragraph 6.—Special Armed Force, 1943.

Year.	Inspectors.	Sub-Inspectors.	Sergeants.	Head Constables.	Naiks.	Constables.
1942	30	33	11	427	219	4,478
1943	30	33	11	427	219	4,478

Statement showing the number of calls answered by the Special Armed Force to deal with various disturbances for the years 1938 to 1943.

Year.	Communal disturbances.	Industrial strikes.	Other disturbances.	Total.
1938	24	23	35	82
1939	16	18	37	71
1940	21	40	28	89
1941	27	26	20	73
1942	18	56	158	232
1943	13	17	93	123

Paragraph 8.—Recruitment, 1943.

	Total number recruited.		Direct appointment.				By promotion.				Local.						Foreigners.					
			Non-Muslim including Namasudras and other castes.		Muslim.		Non-Muslim including Namasudras and other castes.		Muslim.		Hindu and other castes.		Muslim.		Total.		Hindu and other castes.		Muslim.		Total.	
	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943
Sub-Inspectors	108	152	23	29 (a)	31	47 (a)	35	53	19	23	..	..	..	..	..	..	..	..	..	..	..	..
Assistant Sub-Inspectors.	94	89	..	..	..	..	67	65	27	24	65	63	27	23	92	86	2	2	..	1	2	3
Constables ..	3,715	2,767 (b)	1,931	1,435	1,784	1,332	..	..	..	..	1,372	1,108	1,648	1,235	3,020	2,343	559	327	136	97	695	424

(a) Of the Sub-Inspectors recruited 54 were graduates (including 2 M.As.).

(b) Of the Constables recruited 1 was a graduate and 108 were under-graduates and matriculates.

Statement of the actual strength of the Subordinate Police Force by communities, 1943.

Rank.	Actual strength.	Hindu.	Muslim.	Scheduled caste.	European.	Anglo-Indian.	Indian Christian.	Other castes.
1	2	3	4	5	6	7	8	9
Inspectors	299	187 / 62·5	74 / 24·8	6 / 2·0	20 / 6·7	5 / 1·7	..	7 / 2·3
Sub-Inspectors	1,508	803 / 53·2	647 / 42·9	26 / 1·7	..	..	4 / ·3	28 / 1·9
Sergeants	49	..	..	..	19 / 38·8	30 / 61·2	..	..
Assistant Sub-Inspectors	1,576	1,046 / 66·4	460 / 29·2	45 / 2·8	..	2 / ·11	1 / ·06	22 / 1·4
Head Constables—								
Armed	393	245 / 62·3	74 / 18·8	1 / ·3	..	..	..	73 / 18·6
Unarmed	650	392 / 60·3	205 / 31·5	3 / ·5	..	..	1 / ·15	49 / 7·5
Total of Head Constables ..	1,043	637 / 61·07	279 / 26·7	4 / ·38	..	..	1 / ·1	122 / 11·7
Constables—								
Armed	4,515	2,295 / 50·8	1,192 / 26·4	122 / 2·7	..	..	17 / ·4	889 / 19·7
Unarmed	15,668	9,038 / 57·7	5,714 / 36·5	490 / 3·1	..	2 / ·012	49 / ·3	375 / 2·4
Total of Constables ..	20,183	11,333 / 56·1	6,906 / 34·2	612 / 3·03	..	2 / ·01	66 / .32	1,264 / 6·2
Manjhis	26	8 / 30·7	17 / 65·4	1 / 4·0	..	..	..	..
Dandis	35	..	4 / 11·4	32 / 91·4	..	..	..	..
Steam launch staff	94	3 / 3·2	91 / 96·8	..	..	..	..	..

Paragraph 9—Casualties, health and mortality, 1943.

Year.	Total number of casualties.	Retirements.				Deaths.			Total admission into hospital.	Number of "Mondays" lost due to sickness.
		super-annuation.	Retiring.	Invalid.	Total.	On duty.	At home while on leave.	Total.		
1942	2,202	148	141	704	993	95	72	167	18,438	660,502
1943	2,061	71	90	659	820	149	92	241	21,461	648,599

Paragraph 11.—Escapes from custody, 1943.

Details.	Year. 1942.		Year. 1943.	
Number of escape cases	69		97	
Number of recaptures effected	52		73	
Number of persons at large at the close of the year ..	17		24	
Number of officers and men held responsible ..	120 (including 15 chaukidars).		175	(including 12 chaukidars)
Number of officers and men departmentally dealt with	76 (including 7 chaukidars).		111(*a*)	(including 13 chaukidars)
Number of officers and men judicially prosecuted	2 2	constables	*4	constables
Number of officers and men judicially convicted ..	2	chaukidars	2	constables
Number of proceedings against officers and men pending at the close of the year ..	14	constables	12	constables
Number of forcible rescue cases	5		3	
Number of rescuers prosecuted	9		24	(*b*)
Number of rescuers convicted	7		..	

* Case against 2 constables snb-judice.

(*a*) 2 constables dismissed.

(*b*) In 1 case 10 rescuers were discharged as the case ended in F.R.P. and 2 cases against 14 rescuers are pending at the close of the year.

Paragraph 12.—Rewards, punishments and conduct of the police and the charges brought against them during the year 1943.

Year.	Rewards.							Cases against police.					
	Number rewarded.			Amount of rewards (*a*).	Good service marks, commendations, etc.	Number of public rewarded.	Amount of rewards paid to members of the public.	Number of cases including cases pending from he previous year.	Number of cases ended in conviction.	Number of cases ended in acquittal or discharge.	Number of cases ended in dismissal.	Civil suit cases decreed against—	Number of cases pending at the close of the year.
	In Excise, Arms Act, etc., cases.	In other cases.	Total.										
				Rs.			Rs.						
1942 ..	946	10,079	11,025	83,759	5,014	3,139	21,878	250	23	66	103	5	53
1943 ..	714	9,370	10,084	97,789	4,832	6,540	19,545	295	17	56	128	..	87

Year.	Judicial punishment.			Departmental punishments.			
	Number convicted under Police Act.	Number convicted for other offences.	Total.	Number of major punishments excluding dismissal.	Number of dismissals.	Number of minor punishment.	Total
1942	119	57	176	420	201	7,068	7,689
1943	113	68	181	465	250	9,504	10,219

Paragraph 13.—Railway Police, 1943.

	Cognisable crimes.													
	True cases reported.		Cases decided.		Cases convicted.		Percentage of cases convicted to cases tried.		Number of persons tried.		Number of persons convicted.		Percentage of persons convicted to persons tried.	
	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
Government Railway Police, Howrah.	2,045	2,869	755	954	725	907	96·02	95·07	1,057	1,529	998	1,416	94·21	92·6
Bengal and Assam Railway, Sealdah.	1,698	2,529	1,381	2,294	1,015	1,665	66·2	72·5	1,222	2,157	1,164	1,919	95·2	88·9
Bengal and Assam Railway, Saidpur.	863	998	293	273	254	245	87·0	89·7	452	445	333	326	74·0	73·2
Total ..	4,606	6,396	2,429	3,521	1,994	2,817	83·07	85·7	2,731	4,131	2,495	3,661	91·3	88·6

	Thefts from running passenger trains.						Thefts from goods trains and wagons in yards.						Missing goods cases.							
	Number of cases.		Persons sent up.		Persons convicted.		Number of cases.		Persons sent up.		Persons convicted.		From goods sheds.		From running goods trains.		From trains and wagons in yards.		Total.	
	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
Government Railway Police, Howrah.	55	77	8	9	5	..	230	608	17	173	13	32	75	151	32	264	94	344	201	759
Bengal and Assam Railway, Sealdah.	75	95	20	21	17	16	33	106	17	33	5	25	4	3	6	10	20	41	30	54
Bengal and Assam Railway, Saidpur.	32	29	5	6	4	2	88	278	16	115	10	6	9	12	28	79	60	199	97	290
Total ..	162	201	33	36	26	18	351	992	50	321	28	63	88	166	66	353	174	584	328	1,103

	Railway accidents.														Thefts of mail bags.						Ticketless travels.	
	Number of accidents.		Number of collisions.		Persons killed.		Persons injured.		Number of suicides.		Railway employees killed.		Railway employees injured.		Number of cases.		Persons sent up.		Persons convicted.			
	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943	1942	1943
Government Railway Police, Howrah.	394	502	7	4	249	355	116	180	45	91	23	22	50	50	..	..	..	..	..	..	8,223	3,486
Bengal and Assam Railway, Sealdah.	327	507	8	11	215	309	140	191	62	33	14	17	52	49	2	..	..	..	1	..	18,964	10,763
Bengal and Assam Railway, Saidpur.	229	398	2	5	132	228	76	178	19	12	4	12	24	21	1	..	..	..	..	..	7,442	9,763
Total ..	950	1,407	17	20	596	892	332	549	126	136	41	51	126	120	3	..	..	..	1	..	34,629	24,012

Paragraph 14.—River Crime, 1943.

	1942	*1943*
Number of river dacoities	88	355 *(a)*
Number of cases dealt with under Indian Steam Vessels Act ..	189	150
Number of arrests made by patrol staff—		
(*a*) Thieves	19	131
(*b*) Absconders	8	3
Number of criminal tribes members absent from home ..	6	6

(*a*) The increase is due to general food crisis and the majority of the offenders were destitutes.

Paragraph 15.—Police Training College—Statement showing particulars of training, casualties, etc., of probationary officers and men during the year 1943.

Details.	Probationary Assistant Superintendents of Police.	Probationary Deputy Superintendents of Police.	Probationary Sub-Inspectors (direct recruits).			Probationary Sub-Inspectors (departmentally promoted Assistant Sub-Inspectors).	Recruit constables.	Head constables.	Inspections and visits.	
			Bengal cadets.	Assam cadets.	Chittagong Hill Tracts cadets.				Inspected by—	Visited by—
Number under training at the beginning of the year.	3	4	76	10	..	37	717	..	Deputy Inspector-General of Police Presidency Range.	Inspector-General of Police, Bengal, Deputy Inspector-General of Police, Rajshahi Range, Civil Surgeon, Rajshahi, Executive Engineer, Rajshahi.
Number joined during the year	(1 Assamese)	3 (2 Assamese)	76	10	..	37	1,666	..		
Number left the college after receiving training.	2	3 (2 Assamese)	74	10	..	37	1,388	..		
Number discharged for various reasons.	..	..	2	..	..	..	.212(*b*)	..		
Number passed the examinations.	(*a*)	(*a*)	74	..	..	..	..	..		
Number failed and returned to districts.	..	..	..	..	..	..	..	..		
Number deputed to Emergency Areas while under training.	..	..	..	..	..	..	..	..		
Number under training at the close of the year.	1 (Assamese)	1	..	..	..	..	783	..		
Number trained in First Aid ..	1	3	74	10	..	37	210	..		
Number obtained St. John Ambulance certificates.	1	3	74	10	..	..	138	..		
Number attended Drill Instructor's Course.	..	..	..	..	..	..	..	40		
Number obtained Drill Instructor's certificates.	..	..	..	..	..	..	..	9		
Number passed the Drill Test ..	..	..	..	..	..	..	..	20		
Number attended Refresher Course.	..	..	..	..	..	..	..	48		
Number died while under training.	..	..	..	..	..	..	..	2		
Number prosecuted and convicted under Police Act.	..	..	..	..	..	..	..	8		
Number given "Brush up" training.	..	..	..	..	..	..	..	..		

Note.—The training capacity for constables was raised to 700 in January and to 800 in April. An additional training centre was also opened at Rajshahi.
(*a*) Half-yearly departmental examinations for Probationary Assistant and Deputy Superintendent of Police not held during the year.
(*b*) Includes 7 deserters who were prosecuted and convicted.
(*c*) 74 direct and 15 departmental cadets passed the first Aid Test.

Paragraph 17.—Touring and inspections and local supervision of cases during 1943.

	Number of days spent on tour.	Number of districts inspected.	Number of cases locally inspected.		Number of police-stations not inspected at all.	Number of occasions on which evidence was given in Court.	
			1942.	1943.		1942.	1943.
Inspector-General of Police	61	..	..	..	..	..	..
Gazetted officers (excluding D. I.-G. and Inspectors.) ..	12,837	..	2,952	4,070	30	83	57

Paragraph 20.—Miscellaneous, 1943.

	1942	1943
Co-operation meetings.		
Number of Co-operation meetings with Presidents of Union Boards	4,410	3,891
Number of Co-operation meetings with villagers	20,661	16,499
Communications.		
Number of new telegraph offices opened	2	..
Number of police-stations without any telegraph office within a mile	270	270

Miscellaneous.	1942.	1943.
Number of subscribers to the General Provident Fund	14,594	14,010
Number of Village Defence Parties	7,455	6,157
Number of arrests made by members of Villlage Defence Parties—		
(*a*) by themselves	229	295
(*b*) with the help of the Police	53	62
St. John Ambulance Division.		
Number of St. John Ambulance Divisions	32	32
Number of officers and men who possess St. John Ambulance certificates	3,671	3,505
Number of officers and men who went through Refresher Course	900	801
Number of cases in which First Aid was rendered—		
(*a*) to members of the Police Force	50	8
(*b*) to members of the public	115	272
Motor accidents.		
Total number of accident cases	783	1,191
Number of accidents caused by cars	327	294
Number of accidents caused by lorries, buses, tractors, etc.	456	897
Number of accidents due to defective mechanism	8	18
Compassionate Gratuity.		
Number of compassionate gratuities granted to families of deceased officers	27	26
Statement showing particulars of use of arms at police-stations and of cases of assault on the Police.		
Number of occasions on which arms were used by the Police	23	33
Number of officers and men assaulted by the public	370	211
Number of officers and men died of wounds	7	1
Number of assault cases	121	136
Number of cases in which charge-sheets were submitted	63	63
Number of cases ended in acquittal or discharge	9	14
Number of cases in which "Final Report True" was submitted	7	13
Number of cases ended in conviction	47	36
Number of cases pending at the close of the year	58	73
Sentences passed on convicted persons.		
Number of persons convicted	253	132
Number of persons bound down under section 562, Cr. P. C.	25	..
Number of persons sentenced to imprisonment till rising of the Court	2	..
Number of persons fined	69	53
	Rs.	Rs.
Total amount of fine	2,880	2,750
Maximum amount of fine imposed on an individual	100	200 (on 7 persons).
Number of persons sentenced to imprisonment—		
(*a*) for less than 6 months	66	44
(*b*) from 6 months to 1 year	114	31
(*c*) for more than 1 year	17	7 (4 for 7 years +3 for 8 years).

Section IV.

Paragraph 21.—Working of the rural Police, 1943.

	1942.	1943.
Total number of dafadars and chaukidars	74,129	74,051
Number of chaukidars over 50 years of age	4,034	4,238
Number of chaukidars related to C. T. Act members	162	142
Number of chaukidars belonging to known criminal stock	28	21
Number of chaukidars who reside outside their own mahallas	4,607	4,216
Average monthly cost of each dafadar and chaukidar	Rs. 6-1-2	Rs. 6-5-5

Cost of rural Police during last 2 decades.

Year.	Number of dafadars and chaukidars.	Cost.
		Rs.
1943	74,051	56,32,742
1933	76,311	55,95,790
1923	82,043	57,38,836

Particulars regarding payment of chaukidars.	1942.	1943
Number of chaukidars remained unpaid at the end of the year	29,379	31,553
Number of chaukidars remained unpaid for over 6 months	5,336	5,927
Number of chaukidars remained unpaid for 6 months	4,553	4,518
Number of chaukidars remained unpaid for 3 months	5,690	4,863

Paragraph 22.—Rewards, punishments and state of the Chaukidari Reward Fund, 1943.

Rewards.	1942.	1943.
Total number of rewards granted to dafadars and chaukidars ..	6,400	6,281

Chaukidari Reward Fund.	Rs. a. p.	Rs. a. p.
Opening balance	14,230 13 5	15,175 4 11
Total receipts during the year	24,853 0 9	1,73,209 3 0
Total amount in the Reward Fund	39,083 14 2	1,88,384 7 11
Amount distributed as rewards	23,858 7 0	1,50,223 9 6
Closing balance	15,225 7 2	38,160 14 5

Punishments.		
Total number of dafadars and chaukidars punished	28,948	23,340
Number of dafadars and chaukidars dismissed	691	976
Number of dafadars and chaukidars judicially prosecuted ...	343	1,248
Number of dafadars and chaukidars fined	27,914	21,116

Paragraph 23.—Cost of the department, 1943-44.

Net grant .. .. Rs. 2,39,85,040

Details of the actual expenditure (final).

	Rs.
(1) Pay of all ranks	1,37,00,441
(2) Travelling and other allowances	59,09,080
(3) Clothing, equipment, arms, accoutrements and ordnance stores ..	7,78,394
(4) Buildings (departmental)	4,59,983
(5) Rewards to police officers and men	97,434
(6) Rewards to private persons	19,545
(7) House rents, etc.	8,77,735
(8) Boat hire and contingencies	2,97,375
(9) Hospital charges	3,56,961
(10) Charges for the Civic Guard Organisation in districts	5,61,343
(11) Charges in England	1,94,735
(12) Diet and travelling expenses of dafadars and chaukidars employed in connection with the tours of Their Excellencies the Viceroy and Governor ..	4,891
(13) Miscellaneous, mainly contingencies, but including maintenance of saloons for Superintendents of Railway Police, purchase of motor cars, boats and stores for steamers, etc. and contributions from the Governmeet of India and the Railway Administration	2,42,069
Total ..	2,34,99,986

Note.—These are preliminary figures which are liable to alteration when final adjustments are made by the Accountant General, Bengal.

Paragraph 24—Buildings.—Statement showing particulars of expenditure during 1943-44.

Details.	1942-43. Rs. a. p.	1943-44. Rs. a. p.
1. Total expenditure incurred departmentally on police buildings (excluding petty repairs)	3,46,879 0 0	4,59,983 0 0
2. Expenditure incurred by the Communications and Works Department on buildings borne on their books (including repairs)	(*a*) 3,51,667 0 0	(*a*) 4,10,086 0 0
3. Total grant allotted to this Department for minor works (including a special grant of Rs. 1;60,000 for the execution of minor works included in the five years' programme)	2,18,000 0 0	1,00,000 0 0
4. Amount surrendered at the end of the year	(*b*) 1,29,350 0 0	(*b*) 64,300 0 0
5. Grant for major works in the Civil Works Budget	1,91,550 0 0	1,56,000 0 0
6. Actual expenditure for major works-in-progress	1,41,289 0 0	1,39,156 0 0

(*a*) These are preliminary figures which are liable to alteration after final adjustment in the Accountant-General, Bengal's office.

(*b*) Due to stoppage of work due to war.

SECTION VI.

Paragraph 25.—Cognizable Crime reported and total number of true cases.

Class.	Number of cases pending from the previous year.	Cases reported direct to Magistrate.						Number of cases pending from the previous year.	Cases reported to Police or taken up by Police.						Number of cases pending from the previous year.	Total cases.					
		Reported.			True.				Reported.			True.				Reported.			True.		
		1942.	1943.	increase + or decrease −.	1942.	1943.	increase + or decrease −.		1942.	1943.	increase + or decrease −.	1942.	1943.	increase + or decrease −.		1942.	1943.	increase + or decrease −.	1942.	1943.	increase + or decrease −.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Serial I ..	..	..	..	..	..	..	..	1	..	3	+3	2	2	..	1	..	3	+3	2	2	..
Class I ..	209	764	774	+10	544	603	+59	833	2,028	2,704	+676	1,200	1,619	+419	1,042	2,792	3,478	+686	1,744	2,222	+478
Class II ..	455	4,593	3,821	−772	3,727	2,782	−945	1,268	5,405	5,012	−393	3,573	3,346	−227	1,723	9,998	8,833	−1,165	7,300	6,128	−1,172
Class III ..	115	827	974	+147	602	689	+87	2,439	31,961	48,736	+16,775	29,990	44,522	+14,532	2,554	32,788	49,710	+16,922	30,592	45,211	+14,619
Class IV ..	188	1,572	1,322	−250	1,213	886	−327	41	228	260	+32	135	128	−7	229	1,800	1,582	−218	1,348	1,014	−334
Class V ..	5,886	32,432	34,363	+1,931	23,387	24,977	+1,590	3,474	23,826	34,739	+10,913	21,333	29,964	+8,631	9,360	56,258	69,102	+12,844	44,720	54,941	+10,221
Total of Serial I and Classes I to V.	6,853	40,188	41,254	+1,066	29,473	29,937	+464	8,056	63,448	91,454	+28,006	56,233	79,581	+23,348	14,909	103,636	132,708	+29,072	85,706	109,518	+23,812
Class VI ..	1,104	12,169	14,433	+2,264	11,780	12,484	+704	2,067	15,189	19,948	+4,759	14,317	17,706	+3,389	3,171	27,358	34,381	+7,023	26,097	30,190	+4,093
Grand Total ..	7,957	52,357	55,687	+3,380	41,253	42,421	+1,168	10,123	78,637	111,402	+32,765	70,550	97,287	+26,737	18,080	130,994	167,089	+36,095	111,803	139,708	+27,905

Paragraph 26.—Investigation of crime by the Police.

(*a*) *Cases instituted by or before a Magistrate.*

	1942	1943	Increase + Decrease —
Number of cognizable cases reported direct to the Magistrate ..	52,357	55,687	+3,330
Number of cases referred to the Police for investigation	742	697	—45
Number of cases sent up for trial	162	215	+53
Percentage of cases sent up for trial to cases referred for investigation ..	21·8	30·8	+9
Number of cases pending at the close of the year	45	85	+40
Number of complaints referred to the police for enquiry uuder section 202, Cr. P. C.	930	703	—227

(*b*) *Investigation or abstention from investigation of cases reported at police-stations or taken up by the police and the result of investigation.*

	1942.	1943.	Increase+or decrease—.
Total number of Police cases (columns 4 and 5 of A-I and AA-I) ..	88,935	121,525	+32,590
Number of cases investigated by the Police (columns 7—10 of A-I and AA-I)	71,883	88,191	+16,308
Number of true cases sent up for trial (columns 11 and 12 of A-I and AA-I)	27,667	34,754	+7,087
Number of true cases not sent up and refused investigations (columns 13—6 of A-I and AA-I)	42,883	62,533	+19,656
Percentage of Police investigation to total number of Police cases ..	80·8	72·5	—8·3
Percentage of cases sent up to total number of cases investigated ..	38·4	39·4	+1
Percentage of cases of house-breaking (serial No. 29) not investigated ..	14·9	24·7	+9·8
Percentage of ordinary thefts (serial No. 33) not investigated ..	13·3	17·9	+4·6
Number of cases investigated under orders of Magistrate after investigation had been refused by the Police	176	238	+62
(*i*) Number of such cases sent up for trial	1	8	+7
(*ii*) Number of cases convicted	1	4 (one acquitted, 3 pending in court).	+3
(*c*) Proceedings under Section 110, Cr. P. C. :—			
1. Number pending at the beginning of the year—			
(*a*) Cases	134	110	—24
(*b*) Persons	288	241	—47
2. Number instituted during the year—			
(*a*) Cases	402	396	—6
(*b*) Persons	789	980	+191
3. Number disposed of during the year—			
(*a*) Cases	426	327	—99
(*b*) Persons	836	741	—95
4. Number convicted during the year—			
(*a*) Cases	385	308	—77
(*b*) Persons	724	551	—173
5. Number pending at the end of the year—			
(*a*) Cases	110	179	+69
(*b*) Persons	241	480	+239
6. Number of proceedings in which the trial lasted over 3 months	111	103	—8
(*d*) Proceedings under Section 109, Cr. P. C.:—			
1. Number pending at the beginning of the year—			
(*a*) Cases	177	132	—45
(*b*) Persons	262	197	—65
2. Number instituted during the year—			
(*a*) Cases	566	557	—9
(*b*) Persons	791	895	+104
3. Number disposed of during the year—			
(*a*) Cases	611	474	—137
(*b*) Persons	856	661	—195
4. Number convicted during the year—			
(*a*) Cases	470	359	—111
(*b*) Persons	570	460	—110
5. Number pending at the end of the year—			
(*a*) Cases	132	215	+83
(*b*) Persons	197	431	+234
6. Incidence of burglaries per 150 of the population	58·1	80·3	+22·2
7. Incidence of thefts per 100,000 of the population ..	37·6	54·6	+17

Paragraph 27.—Conviction in cognizable cases and number of persons convicted (excluding sessions cases).

Class.	Total number of cases (reported and pending cases of last year).		Cases decided.		Cases ending in conviction.		Percentage of cases ending in conviction to cases decided.		Percentage of cases decided to total number of cases.		Number of persons tried.		Number of persons convicted.		Percentage of persons convicted to persons tried.	
	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Classes I to V.																
Magistrates' Cases ..	48,466	48,107	28,013	25,917	4,796	4,507	17·1	17·3	57·7	53·8	54,227	53,361	9,666	8,920	17·8	16·7
Police Cases	72,085	99,510	14,094	17,900	11,305	14,399	80·2	80·4	19·5	17·9	30,563	38,889	18,144	23,129	59·3	59·4
Total ..	120,551	147,617	42,107	43,817	16,101	18,906	38·2	43·1	34·9	29·7	84,790	92,250	27,810	32,049	32·8	34·7
Class V I.																
Magistrates' Cases ..	13,095	15,537	11,634	13,003	10,538	10,290	90·5	79·1	88·8	86·6	14,657	17,713	12,715	15,191	86·7	85·7
Police Cases	16,850	22,015	13,573	16,851	13,019	15,684	95·9	93·07	80·5	76·5	18,185	22,904	17,183	20,514	94·4	89·5
Total ..	29,945	37,552	25,207	29,854	23,557	25,974	93·4	87·01	84·2	70·9	32,842	40,617	29,898	35,705	91·03	87·9
Grand Total	115,496	185,169	67,314	73,671	39,658	44,880	58·9	60·9	44·7	39·7	117,632	132,867	57,708	67,754	49·05	50·9

Summary of Sessions cases—

	Figures for 1942.	Figures for 1943.
1. Number pending from the previous year—		
(*i*) Cases	323	207
(*ii*) Persons	1,384	653
2. Number committed during the year—		
(*i*) Cases	1,493	1,844
(*ii*) Persons	5,095	6,972
3. Total number for disposal—		
(*i*) Cases	1,816	2,051
(*ii*) Persons	6,479	7,625
4. Number tried during the year—		
(*i*) Cases	1,564	1,637
(*ii*) Persons	5,484	5,946
5. Number convicted during the year—		
(*i*) Cases	971	998
(*ii*) Persons	2,505	2,645
6. Number acquitted during the year—		
(*i*) Cases	593	639
(*ii*) Persons	2,979	3,301
7. Number otherwise disposed of—		
(*i*) Cases	45	18
(*ii*) Persons	342	59
8. Number pending at the close of the year—		
(*i*) Cases	207	396
(*ii*) Persons	653	1,620
9. Percentage of trial to total number for disposal—		
(*i*) Cases	86·1	79·8
(*ii*) Persons	84·6	77·9
10. Percentage of conviction to number of trials—		
(*i*) Cases	62·08	60·9
(*ii*) Persons	45·6	44·4
11. Percentage of conviction in Police cases	65·8	61·8
12. Percentage of conviction in Magistrate's cases	40·4	43·3
13. Number of cases in which more than 4 months elapsed between commitment and trial	32	25
14. Number of cases in which Sessions Judges, disagreeing with the verdict of "Guilty" of the jurors, made references to the High Court	..	2
(*i*) Number of such cases convicted		1
(*ii*) Number of such cases acquitted		1
(*iii*) Number of such cases pending		..
15. Number of cases in which the Sessions Judges disagreeing with the verdict of "Not Guilty" of the jurors made reference to the High Court :—	33	22
(*i*) Number of such cases convicted	14	7
(*ii*) Number of such cases acquitted	13	12
(*iii*) Number of such cases pending	6	3
16. Number of appeal against acquittal	1	1
(*i*) Number of such cases convicted		..
(*ii*) Number of such cases acquitted		1
(*iii*) Number of such cases pending		..

Paragraph 28.—Results of investigations and trials in other provinces.

The comparative table below shows the results of investigations and trials in some of the other provinces in 1941 and in Bengal in 1942 and 1943 :—

Province.	Percentage of cases investigated by the Police (columns 7-10 of Statements A-I and AA-I) to cases reported (columns 4 and 5 of Statements A-I and AA-I).	Percentage of Police cases ending in conviction (column 11 of Statements A-I and AA-I) to cases decided (columns 11 and 12 of Statements A-I and AA-I).	Percentage of persons convicted in Police cases (column 9 of Statements A-II and AA-II) to persons tried (column 8 of Statements A-II and AA-II).	Percentage of persons tried to those arrested in Police cases excluding persons under custody or on bail pending trial or investigation and those whose cases were compounded or otherwise disposed of.
1	2	3	4	5
Bombay, 1942 ..	..	..	..	..
United Province, 1942 ..	82·9	94·08	Statements A-II & AA-II not published.	
Bihar, 1942 ..	84·3	84·3	66·1	80·1
Orissa, 1942 ..	82·8	88·9	75·6	93·9
Bengal, 1942 ..	80·8	87·9	72·4	71·05
Bengal, 1943 ..	72·5	86·5	70·6	61·3

Paragraph 29.—Remands—Subsidiary Statement, 1943.

District.	Number of charge sheets during the year 1943.	Number of charge sheets disposed of during 1943.	Total number of remands subsequent to a receipt of charge sheets.	Average number of remands per case.	Total number of remands subsequent to first date of hearing.	Average number of remands per case.	Average time elapsing between submission of charge sheet and examination of first witness.	Average time elapsing between submission of charge sheet and passing of final judgment (sessions cases excluded).
1	2	3	4	5	6	7	8	9
24-Parganas	2,614	1,808	12,734	7·04	10,939	6·05	39·4 days.	110·3 days.
Nadia	1,011	780	2,795	3·5	2,591	3·3	14 ,,	41 ,,
Murshidabad	717	545	2,423	4·4	2,267	4·1	17 ,,	62 ,,
Jessore	1,054	753	4,514	5·9	3,518	4·6	29·6 ,,	65 ,,
Khulna	1,018	658	5,069	7·7	3,174	4·8	32·4 ,,	68·6 ,,
Total ..	6,414	4,544	27,535	6·05	22,489	4·9	..	..
Burdwan	1,252	907	4,087	4·5	2,418	2·6	30·5 days.	59·2 days.
Birbhum	378	308	899	2·9	569	1·8	21·6 ,,	44 ,,
Bankura	592	319	994	3·1	892	2·7	42· ,,	83 ,,
Midnapore	1,423	848	3,447	4·06	2,235	2·6	33·8 ,,	64·3 ,,
Hooghly	1,101	627	2,028	3·2	1,401	2·2	21 ,,	42 ,,
Howrah	1,573	1,183	3,717	3·1	3,318	2·8	18 ,,	64 ,,
Total ..	6,319	4,192	15,172	3·6	10,833	2·5	..	..
Rajshahi	761	632	2,199	3·4	1,386	2·1	24 days.	53 days.
Dinajpur	852	547	3,020	5·5	1,632	2·9	43·09 ,,	76·7 ,,
Jalpaiguri	685	495	2,347	4·7	1,759	3·5	24·7 ,,	38·2 ,,
Rangpur	1,166	784	2,757	3·5	1,787	2·2	24·9 ,,	46·3 ,,
Bogra	674	442	1,414	3·1	1,338	3·02	34·3 ,,	89 ,,
Pabna	760	383	1,994	5·2	1,319	3·4	43 ,,	115 ,,
Malda	595	441	1,289	2·9	915	2·07	25· ,,	50 ,,
Darjeeling	585	553	1,108	2·	619	1·1	11 ,,	20 ,,
Total ..	6,078	4,277	16,128	3·7	10,755	2·5	..	..
Dacca	2,404	1,389	8,037	5·7	5,301	3·8	34 days.	95 days.
Mymensingh	2,443	1,585	7,295	4·6	4,471	2·8	28 ,,	58 ,,
Faridpur	1,498	859	3,939	4·5	3,175	3·6	29 ,,	106 ,,
Total ..	6,345	3,833	19,271	5·02	12,947	3·3	..	..
Bakarganj	2,016	1,166	5,635	4·7	4,376	3·7	33 days.	64 days.
Tippera	1,504	893	3,508	3·9	3,205	3·5	29 ,,	75 ,,
Noakhali	1,036	704	1,831	4·4	1,598	2·2	36· ,,	56 ,,
Chittagong	1,137	812	2,307	2·8	1,979	2·4	24 ,,	42 ,,
Total ..	5,693	3,575	13,281	3·7	11,158	3·1	..	..
Grand Total ..	30,849	20,421	91,387	4·4	68,182	3·3	..	..

Paragraph 29—Remands *(contd)*.—Statement showing the number of cases, excluding sessions cases, the trials of which have extended over—1943.

District.	One month.	Two months.	Three months.	Four months.	Five months.	Six months.	Remarks.
24-Parganas	294	406	420	285	..	373	
Nadia	152	98	92	..	..	41	
Murshidabad	96	172	86	..	..	54	
Jessore	193	127	79	36	15	..	
Khulna	127	93	74	121	78	360	
Total ..	862	896	751	442	93	828	
Burdwan	232	159	63	24	15	24	
Birbhum	66	43	35	7	4	6	
Bankura	134	25	5	7	..	..	
Midnapore	202	125	89	70	..	41	
Hooghly	185	85	33	27	20	12	
Howrah ..	203	87	35	18	5	9	
Total ..	1,022	524	260	153	44	92	
Rajshahi	113	107	60	53	..	14	
Dinajpur	165	97	63	41	38	47	
Jalpaiguri	48	24	16	8	7	2	
Rangpur	126	52	31	42	..	17	
Bogra	154	56	57	51	84	..	
Pabna	92	65	48	37	17	18	
Malda	91	46	45	33	..	13	
Darjeeling	59	15	3	2	..	..	
Total ..	848	462	323	267	146	111	
Dacca	334	371	176	25	24	21	
Mymensingh	392	281	180	136	..	73	
Faridpur	207	162	182	76	..	58	
Total ..	933	814	538	237	24	152	
Bakarganj	249	182	111	99	33	29	
Tippera	142	126	98	67	44	49	
Noakhali	327	165	113	40	23	12	
Chittagong	256	119	67	16	13	9	
Total ..	974	592	389	222	113	099	
Grand Total ..	4,639	3,288	2,261	1,321	420	1,282	

Paragraph 30.—Prosecution for institution of false cases, 1943.

District.	Number of cases decided by Magistrates to be maliciously false.		Number of false cases in which prosecutions were undertaken.		Number of false cases in which conviction was obtained.		Number of false cases in which compensation was awarded under section 250, Cr. P. C.		Percentage of false cases in which prosecution was undertaken to total false cases.		Percentage of false cases ending in conviction to total number of false cases prosecuted.		Percentage of false cases in which compensation was awarded to total number of false cases,.	
	1942	1943.	1942	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
24-Parganas	55	47	27	23	11	5	..	..	49·09	48·9	40·7	21·7	..	..
Nadia	25	30	16	11	11	6	..	..	64	36·6	68·7	54·5	..	..
Murshidabad	26	51	7	17	5	4	..	..	26·9	33·3	71·4	23·5	..	.
Jessore	39	50	18	21	9	6	..	..	40·9	42	50	28·5	..	..
Khulna	64	80	6	13	6	2	..	..	9·3	16·2	100	15·3	..	..
Total ..	209	258	74	85	42	23	..	..	35·4	32·9	56·7	29·0	..	
Burdwan	25	30	10	11	4	3	..	..	40	36·6	40	27·2	..	..
Birbhum	15	10	2	4	1	2	..	1	13·3	40	50	50	..	10
Bankura	14	15	5	2	2	..	..	..	35·7	13·3	40	..	..	..
Midnapore	33	43	22	17	11	4	1	..	66·6	39·5	50	23·5	3·03	..
Hooghly	18	23	7	8	4	5	..	..	38·8	34 7	57·1	62·5	..	..
Howrah	30	36	10	7	3	1	..	..	33·3	19·4	30	14·3	..	..
Total ..	135	157	56	49	25	15	1	1	34·07	31·2	54·5	30·6	·74	·63
Rajshahi	29	22	11	9	4	3	1	..	37·9	40·9	36·3	33·3	3·4	..
Dinajpur	25	12	3	4	2	1	..	..	12	33·3	66·6	25	..	..
Jalpaiguri	19	16	3	5	2	1	2	1	16·6	31·2	66·6	20	11·1	6·2
Rangpur	17	15	4	10	3	4	..	..	23·5	66·6	75	40	..	..
Bogra	7	9	3	7	2	1	..	..	42·8	77·7	66·6	14·3	..	..
Pabna	27	20	10	8	9	3	..	2	37·03	40	90	37·5	..	10
Malda	20	13	7	1	2	..	..	4	35	7·6	28·5	..	..	36·7
Darjeeling	10	17	4	7	2	6	..	..	40	41·1	50	85·7	..	..
Total ..	154	124	45	51	26	19	3	7	29·2	41·1	57·7	37·2	1·9	5·6
Dacca	83	60	12	5	4	2	..	2	14·4	8·3	33·3	40	..	3·3
Mymensingh	80	70	23	12	2	2	..	..	28·7	17·1	8·6	16·6	..	..
Faridpur	54	53	33	46	10	4	3	6	60	86·8	3·3	8·7	5·4	11·3
Total ..	217	183	68	63	16	8	3	8	31·3	34·4	23·5	12·7	1·3	4·3
Bakarganj	129	131	51	48	12	5	3	3	39·5	36·6	23·5	10·4	2·3	2·2
Tippera	45	42	23	19	5	2	3	..	51·1	45·2	21·7	10·5	6·6	..
Noakhali	23	64	6	10	3	6	1	3	26·08	15·6	50	60	4·3	4·6
Chittagong	61	34	20	18	4	2	..	2	32·8	53·0	20	11·1	..	5·8
Total ..	258	271	100	95	24	15	7	8	38·7	35	24	15·7	2·7	2·9
Grand Total ..	973	993	343	343	133	80	14	24	34·2	34·5	39·9	23·3	1·4	2·4

Paragraph 31.—Serious crime and Police work—The statement below shows the number of true cases under the various heads :—

District.	Riot.		Coining.		Note-forgery.		Murder.		Culpable homicide.		Dacoity.	
	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
1	2	3	4	5	6	7	8	9	10	11	12	13
24-Parganas ..	55	137	11	4	1	3	38	63	21	31	61	312
Nadia	22	20	1	1	..	..	17	22	11	13	38	96
Murshidabad ..	14	22	1	..	..	..	16	13	14	8	33	52
Jessore	51	37	4	2	2	1	15	31	13	12	15	84
Khulna	35	56	5	3	2	1	26	32	11	14	30	112
Total ..	177	272	22	10	5	5	112	161	70	78	177	656
Burdwan	15	28	..	2	2	..	16	21	10	16	85	240
Birbhum	6	13	2	..	..	..	5	11	3	3	21	123
Bankura	12	24	..	..	..	..	8	22	2	6	51	752
Midnapore ..	29	147	1	..	5	1	31	42	11	14	122	1,661
Hooghly	15	35	1	2	..	3	10	19	12	4	56	179
Howrah	17	31	3	1	2	1	11	10	4	6	58	170
Total ..	94	278	7	5	9	5	81	125	42	49	393	3,125
Rajshahi	19	22	2	..	4	..	20	32	10	16	48	150
Dinajpur	11	20	2	1	..	..	18	27	2	4	78	107
Jalpaiguri	8	13	2	..	..	..	11	11	3	5	31	63
Bangpur	30	31	5	e 6	..	2	17	24	15	23	67	199
Rogra	5	17	1	8	2	5	15	17	8	6	21	64
Pabna	18	11	2	..	2	9	12	16	11	8	18	97
Malda	18	14	1	..	..	2	5	12	11	7	21	61
Darjeeling	3	3	1	1	..	..	3	8	5	5	2	12
Total ..	112	131	16	16	8	18	101	147	65	74	286	743
Dacca	133	105	5	5	..	..	66	72	34	38	122	613
Mymensingh ..	121	214	1	2	2	2	103	83	92	87	62	271
Faridpur	70	98	1	..	1	..	23	48	29	28	22	138
Total ..	324	417	7	7	3	2	192	203	155	153	206	1,022
Bakarganj	132	158	5	10	2	1	76	70	38	43	97	184
Tippera	39	39	17	3	1	..	17	21	21	17	57	92
Noakhali	29	33	6	..	..	..	12	11	16	11	29	21
Chittagong ..	32	44	3	3	..	..	17	24	6	9	41	81
Total ..	232	274	31	16	3	1	122	126	81	80	224	378
Grand Total ..	939	1,372	83	54	28	31	608	762	413	434	1,286	5,924

Paragraph 31—*(contd.)*.—Serious crime and Police work—The statement below shows the number of true cases under the various heads :—

District.	Robbery.		Burglary.		Theft (ordinary).		Cattle theft.		Total.	
	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
1	14	15	16	17	18	19	20	21	22	23
24-Parganas ..	42	58	1,366	1,690	1,375	1,956	61	67	3,031	4,321
Nadia	20	39	868	956	514	665	21	14	1,512	1,826
Murshidabad ..	9	14	927	1,320	516	750	17	39	1,547	2,218
Jessore	17	21	1,039	1,978	414	685	20	31	1,590	2,882
Khulna	16	28	881	1,304	537	714	15	19	1,558	2,283
Total ..	104	160	5,081	7,248	3,356	4,770	134	170	9,238	13,530
Burdwan	47	89	925	1,360	1,371	2,000	54	54	2,525	3,810
Birbhum	8	13	156	515	177	415	4	8	382	1,101
Bankura	12	29	352	455	331	596	20	16	788	1,900
Midnapore ..	79	216	1,143	1,994	1,071	1,504	47	85	2,539	5,664
Hooghly	22	32	841	1,084	658	936	25	43	1,640	2,337
Howrah	21	26	432	834	854	1,668	22	24	1,424	2,771
Total ..	189	405	3,849	6,242	4,462	7,119	172	230	9,298	17,583
Rajshahi	35	30	1,148	1,207	601	613	14	26	1,901	2,096
Dinajpur	25	48	810	805	695	738	32	19	1,673	1,769
Jalpaiguri	18	17	587	656	376	430	24	44	1,060	1,239
Rangpur	19	42	1,469	1,712	482	703	32	44	2,136	2,786
Bogra	4	16	371	544	241	417	11	7	679	1,101
Pabna	21	37	1,167	1,425	426	545	11	20	1,688	2,168
Malda	22	17	288	504	250	321	35	39	651	977
Darjeeling	2	5	174	239	372	511	5	20	567	794
Total ..	146	212	6,014	7,092	3,443	4,278	164	219	10,355	12,930
Dacca	61	153	3,824	5,055	1,633	2,202	32	29	5,910	8,272
Mymensingh ..	25	35	3,009	3,568	879	1,231	52	60	4,346	5,553
Faridpur	17	52	987	1,814	370	587	29	53	1,549	2,818
Total ..	103	240	7,820	10,437	2,882	4,020	113	142	11,805	16,643
Bakarganj ..	39	65	1,410	1,832	664	729	41	49	2,504	3,141
Tippera	14	27	1,456	1,693	747	1,005	25	25	2,394	2,922
Noakhali	5	14	1,074	1,417	375	641	26	36	1,572	2,184
Chittagong ..	22	29	652	815	636	711	2	..	1,411	1,716
Total ..	80	135	4,592	5,757	2,422	3,086	94	110	7,881	9,963
Grand Total ..	622	1,152	27,356	36,776	16,565	23,273	677	871	48,577	70,649

Paragraph 31 *(contd.)*.—Reported cases of missing persons and property in which no first information reports were recorded 1943.

District.	Reported missing.						Recovered.					
	Number of persons.		Number of Boats.		Number of cattle.		Number of persons.		Number of Boats.		Number of cattle.	
	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
24-Parganas ..	1,334	131	116	37	12,286	917	59	72	32	19	251	392
Nadia ..	18	13	41	29	354	348	15	11	17	11	197	186
Murshidabad ..	26	37	25	15	211	221	14	17	14	9	78	96
Jessore ..	17	13	35	48	214	195	13	11	6	8	58	39
Khulna ..	29	7	377	436	1,132	701	..	4	59	54	171	115
Total ..	1,424	201	594	565	14,197	2,382	101	115	128	101	755	828
Burdwan ..	72	53	22	5	250	312	64	45	18	4	76	97
Birbhum ..	6	..	..	..	111	64	4	..	..	..	41	51
Bankura ..	53	4	2	..	173	71	17	3	..	..	70	13
Midnapore ..	..	21	29	1	153	111	..	17	3	1	31	60
Hooghly ..	95	56	15	5	80	53	25	38	4	3	13	15
Howrah ..	142	235	4	16	147	231	119	207	3	14	79	111
Total ..	368	369	72	27	914	842	229	310	28	22	310	347
Rajshahi ..	30	20	15	22	145	196	25	16	4	7	61	116
Dinajpur ..	23	33	1	1	339	354	10	23	1	1	112	82
Jalpaiguri ..	33	8	..	1	205	167	7	2	..	..	26	19
Rangpur ..	46	15	34	26	220	115	38	3	4	3	57	41
Bogra ..	22	12	13	10	372	225	15	7	3	3	66	55
Pabna ..	40	22	267	206	487	434	37	18	68	75	177	132
Malda ..	16	3	9	6	297	203	10	..	5	1	60	22
Darjeeling ..	..	1	..	..	..	..	..	1	..	..	..	..
Total ..	210	114	339	272	2,065	1,694	142	70	85	90	559	467
Dacca ..	89	95	326	296	349	501	59	83	66	106	68	302
Mymensingh ..	46	51	337	398	1,032	966	31	28	92	97	201	219
Faridpur ..	63	217	372	573	570	488	43	62	82	88	117	126
Total ..	198	363	1,035	1,267	1,951	1,955	133	173	240	291	386	647
Bakargunj ..	82	18	398	378	865	660	40	8	33	56	121	98
Tippera ..	50	30	506	451	651	608	36	20	60	50	127	99
Noakhali ..	25	11	77	83	407	369	7	7	33	21	41	39
Chittagong ..	..	2	..	15	27	63	..	1	..	6	18	23
Total ..	157	61	981	927	1,950	1,700	83	36	126	133	307	259
Grand Total ..	2,357	1,108	3,021	3,058	21,077	8,573	688	704	607	637	2,317	2,548

Paragraph 31 (*contd.*).—**Further particulars about serious crime are given below under the different heads:—**

	1942.	1943.	Increases+, Decreases—.
1. Riot :—			
(1) Number reported during the year	1,713	2,313	+600
(2) Number of true cases	939	1,372	+433
(3) Number tried—			
(*i*) Cases	630	734	+104
(*ii*) Persons	6,556	7,445	+889
(4) Number convicted—			
(*i*) Cases	359	382	+23
(*ii*) Persons	2,867	3,118	+251
(5) Number ending in loss of life	189	221	+32
(6) Number connected with land disputes	411	405	—6
(7) Number of warning notices issued	16,389	13,050	—3,339
(8) Number of prosecution under sections 154, 155, 156, Indian Penal Code ..	..	2	..
(9) Number of cases in which firearms used	..	5	..
(10) Number of communal riots	..	..	..
(11) Number of persons bound down under section 106, Criminal Procedure Code	322	371	+49
(12) Number of persons bound down under section 107, Criminal Procedure Code	297	456	+159
(13) Number of persons appointed Special Police Officers under section 17 of Act V of 1861	1,893	1,232	—661
2. Coining :—			
(1) Number reported during the year	77	66	—11
(2) Number of true cases	83	54	—29
(3) Number tried—			
(*i*) Cases	76	46	—30
(*ii*) Persons	107	58	—40
(4) Number convicted—			
(*i*) Cases	68	40	—28
(*ii*) Persons	76	47	—29
The statement below shows the number of counterfeit rupees received at treasuries and railway stations or produced in law courts in Bengal and the following other Provinces :—			
Bengal	16,076	3,108	—12,968
Bihar	1,894	82	—1,812
Bombay	122,218	10,963	—111,255
Madras	33,201	2,069	—31,132
Orissa	994	374	—620
Punjab	6,211	318	—5,893
United Provinces	2,603	727	—1,876
3. Note forgery :—			
(1) Number reported during the year	34	41	+7
(2) Number of true cases	28	31	+3
(3) Number tried—			
(*i*) Cases	13	18	+5
(*ii*) Persons	24	31	+7
(4) Number convicted—			
(*i*) Cases	8	8	..
(*ii*) Persons	13	10	—3
4. Murder :—			
(1) Number reported during the year	797	951	+154
(2) Number of true cases	608	762	+154
(3) Number tried—			
(*i*) Cases	214	246	+32
(*ii*) Persons	538	678	+140
(4) Number convicted—			
(*i*) Cases	69	72	+3
(*ii*) Persons	105	138	+33
(5) Number of gunshot murders excluding those committed by dacoits ..	13	18	+5
(6) Number of murders by poison	11	12	+1
(7) Number of murders for gain		47	..
(8) Number of infanticide in which women were concerned		5	..
(9) Number of murders of dependants due to starvation		3	..

Paragraph 31 (*contd.*).—**Further particulars about serious crime are given below under the different heads:—**

	1942.	1943.	Increases+, Decreases−.
5. Culpable homicide not amounting to murder :—			
(1) Number reported during the year	496	604	+108
(2) Number of true cases	413	434	+21
(3) Number tried—			
(*i*) Cases	292	271	−21
(*ii*) Persons	918	754	−164
(4) Number convicted—			
(*i*) Cases	169	140	−29
(*ii*) Persons	390	288	−102
6. Infanticide :—			
(1) Number of cases reported during the year	9	4	−5
(2) Number tried—			
(*i*) Cases	3	2	−1
(*ii*) Persons	3	4	+1
(3) Number convicted—			
(*i*) Cases	1	2	+1
(*ii*) Persons	1	2	+1
7. Poisoning :—			
(1) Number reported during the year	48	21	−27
(2) Number of true cases	34	18	−16
(3) Number tried—			
(*i*) Cases	10	5	−5
(*ii*) Persons	15	6	−9
(4) Number convicted—			
(*i*) Cases	6	2	−4
(*ii*) Persons	7	2	−5
(5) Number of cases of professional nature	7	1	−6
(6) Number of cases in which wives poisoned their husbands	9	3	−6
8. Dacoity :—			
(1) Number reported during the year	1,822	7,357	+5,535
(2) Number of true cases	1,286	5,924	+4,638
(3) Number tried—			
(*i*) Cases	349	687	+338
(*ii*) Persons	1,886	3,440	+1,554
(4) Number convicted—			
(*i*) Cases	223	357	+134
(*ii*) Persons	870	1,309	+439
(5) Percentage of cases convicted to total number of true cases	173	602	..
(6) Number of cases in which property stolen was below Rs. 200	581	1,937	+1,356
(7) Number of cases in which complainants or villagers were killed	34	96	+62
(8) Number of cases in which complainants or villagers were seriously injured	111	382	+271
(9) Number of cases in which the dacoits were armed with guns	62	70	+8
(10) Number of cases in which resistance was offered to the dacoits	100	240	+140
(11) Number of cases in which firearms were used against dacoits	13	47	+34

Below is given the dacoity figures of other provinces in 1942 and those of Bengal in 1942 and 1943 and the proportion of Police :—

Province.	Number of true cases of dacoity.	Proportion of Police.	
		(*i*) to area in square miles.	(*ii*) to population as per census figures of 1931.
Bihar	1,389	1 to 5·5	1 to 2,884
Orissa	24	1 to 8·4	1 to 2,246
United Provinces	1,120	..	..
Bengal (1942)	1,286	1 to 2·8	1 to 1,911
Bengal (1943)	5,924	1 to 2·8	1 to 1,911

Paragraph 31 (*contd.*).—**Further particulars about serious crime are given below under the different heads :—**

	1942.	1943.	Increases+, Decreases—.
9. Robbery:—			
(1) Number of cases reported during the year	869	1,546	+677
(2) Number of true cases	622	1,152	+530
(3) Number tried—			
(*i*) Cases	162	216	+54
(*ii*) Persons	367	538	+171
(4) Number convicted—			
(*i*) Cases	105	130	+25
(*ii*) Persons	192	266	+74
10. Burglary :—			
(1) Number reported during the year	28,334	39,129	+10,795
(2) Number of true cases	27,356	36,796	+9,440
(3) Number tried—			
(*i*) Cases	2,045	2,853	+808
(*ii*) Persons	2,934	4,175	+1,241
(4) Number convicted—			
(*i*) Cases	1,603	2,280	+677
(*ii*) Persons	1,994	2,881	+887
(5) Percentage of cases convicted to total number of true cases ..	5·8	6·1	..
11. Cattle poisoning :—			
(1) Number reported during the year	124	103	—21
(2) Number convicted—			
(*i*) Cases	35	37	+2
(*ii*) Persons	48	61	—13
12. Theft :—			
(1) Number reported during the year	18,332	26,329	+7,997
(2) Number of true cases	16,565	23,273	+6,708
(3) Number tried—			
(*i*) Cases	4,824	6,653	+1,829
(*ii*) Persons	6,805	10,958	+4,153
(4) Number convicted—			
(*i*) Cases	4,305	5,828	+1,523
(*ii*) Persons	5,265	7,987	+2,722
(5) Percentage of cases convicted to total number of true cases ..	25·9	25·04	..
13. Swindling :—			
(1) Number reported during the year	440	668	+228
(2) Number of true cases	291	388	+97
(3) Number tried—			
(*i*) Cases	213	244	+31
(*ii*) Persons	379	358	—21
(4) Number convicted—			
(*i*) Cases	182	192	+10
(*ii*) Persons	240	256	+16
14. Cattle theft :—			
(1) Number reported during the year	814	1,175	+361
(2) Number of true cases	677	871	+194
(3) Number tried—			
(*i*) Cases	436	555	+119
(*ii*) Persons	681	812	+131
(4) Number convicted—			
(*i*) Cases	371	490	+119
(*ii*) Persons	470	614	+44
(5) Percentage of cases convicted to total true cases	54·8	56·2	..
15. Theft of firearms :—			
(1) Number reported during the year	70	48	—22
(2) Number tried—			
(*i*) Cases	4	3	—1
(*ii*) Persons	5	4	—1
(3) Number convicted—			
(*i*) Cases	2	2	,,
(*ii*) Persons	2	2	,,

Paragraph 31 (*contd.*).—**Further particulars about serious crime are given below under the different heads:—**

		1942.	1943.	Increases +, Decreases −.
16.	Offences against women :—			
	(1) Number of cases reported during the year under the following heads—			
	(*i*) Kidnapping	122	74	−48
	(*ii*) Abduction	210	168	−42
	(*iii*) Outraging modesty	290	186	−104
	(*iv*) Rape	179	124	−55
	(*v*) Trading in minor girls for prostitution	3	5	+2
	Total	804	557	−247
	(2) Number of cases declared to be false, non-cognizable, mistake of fact or law	271	169	−102
	(3) Number of cases finally reported as true	193	128	−65
	(4) Number of cases in which charge-sheets were submitted	379	248	−131
	(5) Number of cases convicted	126	95	−31
	(6) Number of cases under trial at the end of the year	116	80	−36
	Two statements containing other particulars are enclosed.			
17.	Recovery of stolen property :—			
	(1) Number of cases in which property was stolen (cognizable cases)	47,410	68,892	+21,482
	(2) Number of cases (cognizable) in which property was recovered	12,781	16,438	+3,657
	(3) Percentage of cases in which property was recovered to cases in which property was stolen	26·9	23·8	..
	(4) Percentage of value of property recovered to value of property stolen	7·7	5·9	..
18.	Arrests *flagrante delicto* :—			
	Number of such arrests of burglars and thieves during the year—			
	(1) By Sub-Inspectors	..	78	..
	(2) By Assistant Sub-Inspectors, Head Constables and Constables	..	526	..
	(3) By Rural Police	..	379	..
	Total	1,097	983	−114
19.	Juvenile offenders convicted of offences against property during the year	619	898	+279
20.	Complicity of the rural police in serious crime :—			
	(1) Number convicted—			
	(*i*) Dafadars	6	4	−2
	(*ii*) Chaukidars	18	36	+18
	(2) Number suspected—			
	(*i*) Dafadars	10	24	+14
	(*ii*) Chaukidars	64	202	+138
21.	Complicity of members of Union Boards in serious crime :—			
	(1) Number convicted—			
	(*i*) Presidents	2	..	−2
	(*ii*) Vice-Presidents	..	..	..
	(*iii*) Members	..	..	..
	(2) Number suspected—			
	(*i*) Presidents	3	6	+3
	(*ii*) Vice-Presidents	..	..	..
	(*iii*) Members	..	3	+3
22.	Reported cases of missing persons and property in which no First Information Reports were recorded :—			
	(1) Number of persons—			
	(*i*) Missing	2,357	1,108	−1,249
	(*ii*) Recovered	703	704	+1
	(2) Number of boats—			
	(*i*) Missing	3,021	3,058	+37
	(*ii*) Recovered	607	637	+30
	(3) Number of cattle—			
	(*i*) Missing	21,077	8,573	−12,504
	(*ii*) Recovered	2,317	2,548	+231
	A statement showing figures for each district is enclosed.			
23.	Bail—			
	(1) Number of persons while on bail in cognizable and non-bailable offences, known to be concerned in fresh cognizable and non-bailable offences during the year	51	181	+130
	(2) Number of persons bound down under section 118, Criminal Procedure Code, known to be concerned in crime against property during the currency of the bond	5	4	−1

Paragraph 31 *(concld)*.—Details of Dacoities in Bengal, 1943.

Serial No.	Nature of crime.	Number of cases reported during 1943, including the petition cases referred to police for regular investigation.	Number which appeared to be technical in nature.	Number in which the foodstuffs only were looted.	Number in which the property stolen was under Rs. 200.	Number in which complainants or villagers were—		Number in which resistance was offered by villagers on complaints.	Number in which fire-arms were used against dacoits.	Number in which the dacoits were armed with guns.	Number of dacoits captured at or near the spot by police or villagers.	Number of cases in which charge sheets were submitted.	Number of cases ending in conviction.	Remarks.
						Killed.	Seriously injured.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	House dacoity ..	6,558	553	708	1,758	90	320	202	37	69	92	982	340	..
2	River dacoity ..	399	97	101	106	4	31	26	5	1	9	79	10	..
3	Boat dacoity other than river dacoity.	173	24	50	21	..	24	11	4	..	3	27	3	..
4	Mail dacoity ..	2	..	..	1	..	..	..	..	..	..	..	..	..
5	Road dacoity other than mail dacoity.	193	22	17	50	2	7	1	..	..	..	21	4	..
6	Train dacoity ..	9	..	3	1	..	..	..	1	..	..	..	..	..
	Total ..	7,334	696	879	1,937	96	382	240	47	70	104	1,109	357	..

Details of cases in co nnection with offences against women for the year 1943.

Serial No.	Nature of offence.	Number of cases reported to the police or received by the police for investigation during the year 1943.	Number of cases declared false, non-cognizable, mistake of fact or mistake of law.	Number of cases declared true or refused investigation.	Number of cases pending with police at the end of the year.	Cases sent up in charge sheet.			Cases in which the victims are—							Cases in which the culprits are both Hindus and Muslims.	Remarks.
						Convicted.	Acquitted or discharged.	Pending trial.	Of the same community as the offender.	Hindus but the offenders are Muslims.	Muslims but the offenders are Hindus.	Hindus but the offenders are of other religion.	Muslims but the offenders are of other religion.	Of other religion but the offenders are Hindus.	Of other religion but the offenders are Muslims.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	Kidnapping ..	74	22	15	6	12	14	10	42	4	1	1	..	..	..	3	1
2	Abduction ..	168	76	35	14	13	22	16	66	16	1	2	..	..	..	7	..
3	Assault with intent to outrage modesty.	186	39	43	8	48	29	31	110	19	5	4	2	3	2	..	2
4	Buying or selling of minor girls for prostitution.	5	1	1	..	2	..	1	3	..	..	..	..	..	..	1	..
5	Rape	124	31	34	11	20	8	22	71	10	3	3	1	1	..	1	
	Total ..	557	169	128	39	95	73	80	292	49	10	10	3	4	2	12	

Subsidiary statement in connection with offences against women for the year 1943.

Religion of the victims.	Number of true cases of offences against women during the year 1943.	Number of victims.			Number of offenders.			Number of offenders sent up in charge sheet.									Remarks.
								Convicted.			Acquitted or discharged.			Pending trial including absconders.			
		Hindus.	Muslims.	Of other religion.	Hindus.	Muslims.	Of other religion.	Hindus.	Muslims.	Of other religion.	Hindus.	Muslims.	Of other religion.	Hindus.	Muslims.	Of other religion.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Hindus	172	176	..	..	199	84	22	49	13	4	67	13	7	49	28	4	..
Muslims	207	..	218	..	27	538	4	4	48	..	9	169	2	2	90	4	..
Of other religion ..	9	..	..	9	5	1	9	..	1	3	..	..	3	..	..	3	..
Total ..	388	176	218	9	231	623	35	53	62	7	76	182	12	51	118	11	..

SECTION VIII.

Paragraph 33.—Working of the Criminal Investigation Department, 1943.

The table below shows the nature and number of cases investigated during the year by the officers of this Department in co-operation with the Calcutta and the District Police :—

Nature of Crime.	Investigated. Number of cases.	Convicted. Cases.	Convicted. Persons.	Sub Judice. Cases.	Sub Judice. Persons.	Number of cases pending investigation at the end of the year.
Dacoity	225	10	40	33	195	50
Gang case	..	..	..	1	22	..
Conspiracy	4	2	5	2	26	..
Swindling	9	..	..	1	1	6
Note forgery	9	1	1	7	12	..
Postal fraud	7	..	..	..	..	6
Defalcation of money from banks	10	1	3	5	16	..
Burglary	1	..	..	1	1	..
Theft of ammunition	1	..	..	..	..	1
Theft of copper wire	12	1	1	..	..	..
Quinine fraud	3	..	..	..	..	3
Arms Act	1	1	1	..	..	..
Dacca Communal cases	51	..	..	3	7	48
Escape from jail	1	..	..	..	..	1
Enquiry regarding malpractices by the Subdivisional Officer, Satkhira	1	..	..	..	..	..
Enquiry regarding malpractices by Police Magistrate, Howrah	..	..	..	..	..	..
Total	335	16	51	53	280	115

FOOTPRINT SECTION.

	Year. 1942.	1943.
Number of cases received	225	189
Opinion given—		
Definite	42	32
Tentative	21	17
Charge sheet	33	20
Convicted	23	11
Acquitted	110	1
Pending in Court	..	8
Final Report True	30	29

SCIENTIFIC SECTION.

	1942.	1943.
Total number of cases in which exhibits were received for examination during the year	195	568
Number of cases in which opinions were given	185	552
Number of cases in which charge sheet was submitted	17	13
Number of cases ended in conviction	10	5
Number of cases ended in acquittal	..	..
Number of cases still *sub judice*	..	8

Paragraph 33 (*concld.*).—**Working of the Criminal Investigation Department, 1943.**

Foreigners :—	1942.	1943.
(*i*) Number arrested in Bengal during the year	2,853	3,461
(*ii*) Number convicted during the year	1,340	1,353

Detective Departments :—

A brief summary of the work of the Detective Departments of the 24-Parganas and Howrah is given below :—

Nature of cases.	Number of cases investigated.	Number of cases in which assistance was rendered to the District Police.
Dacoity	28	49
Robbery	1	1
Burglary	1	13
Theft	26	27
Murder	..	2
Receiving stolen property	1	2
Swindling	5	1
Note forgery	4	1
Ticket fraud	..	1
Defence of India Rules	..	1
Police assault	..	1
Gambling	..	2
Looting	..	1
Direct case	3	1
Total	69	103
(1) Number of persons arrested		249
(2) Number of persons convicted		156

District.	Nos. and dates of notifications under section 3, C. T. Act, arranged in chronological order.	Names of tribes or gangs.	No. of registered members on 1st January.	No. of members registered during the year—		No. of members residing in the district who were originally registered in other districts of Bengal—		No. of members residing in the district who were originally registered outside Bengal—	
				Under section 5, C. T. Act.	Under section 7, C. T. Act.	At the close of the previous year.	During the year.	At the close of the previous year.	During the year.
1	2	3	4	5	6	7	8	9	10
Bankura	..	..	155	1	..	..	1	..	..
Birbhum	..	..	172	45	10	..	..	2	..
Burdwan	..	..	289	..	12	..	1	..	6
Howrah	..	..	284	..	..	1	..	21	3
Hooghly	..	..	304	..	43	7	2	3	1
Midnapore	..	..	541	8	..	1	..	2	..
Total ..	..	..	1,745	54	65	9	4	28	10
24-Parganas	..	..	317	..	31	2	1	3	4
Murshidabad	..	..	180	..	3	2	1	..	..
Nadia	..	..	137	2	7	1	2	..	..
Jessore	..	..	56	..	..	1	1	..	..
Khulna	..	..	62	..	2	..	..	..	..
Total ..	..	..	752	2	43	6	5	3	4
Rajshahi	..	..	22	..	..	..	..	..	..
Rangpur	..	..	576	..	8	..	..	..	..
Dinajpur	..	..	152	..	3	..	..	..	..
Jalpaiguri	..	..	34	..	..	..	..	..	..
Pabna	..	..	188	..	12	2	1	..	..
Bogra	..	..	182	..	2	1	5	..	..
Malda	..	..	43	..	4	..	..	..	..
Darjeeling	..	..	1	..	..	..	..	..	..
Total ..	..	..	1,198	..	29	3	6	..	..
Dacca	..	..	345	..	31	..	1	..	..
Mymensingh	..	..	83	..	..	1	..	1	..
Faridpur	..	..	149	..	..	1	..	..	..
Total ..	..	..	577	..	31	2	1	1	..
Bakarganj	..	..	295	..	..	..	..	..	..
Chittagong	..	..	206	..	5	..	..	..	..
Tippera	..	..	223	..	5	..	..	..	..
Noakhali	..	..	68	..	..	..	..	..	..
Total ..	..	..	792	..	10	..	..	..	..
Calcutta	..	..	..	..	..	..	3	..	..
Army	..	..	..	..	..	..	38	..	..
Grand Total	..	..	5,064	56	178	20	57	32	14

under the Criminal Tribes Act, 1943.

No. of members remaining unregistered.	No. of members removed from the register due to death or reformation of character—		No. of members originally registered in the district who are now residing elsewhere in Bengal—		No. of members originally registered in the district who are now residing outside Bengal—		Total No. of registered members in the districts.	No. of members who were in jail on 31st December.	No. of members who remained untraced on 31st December.	No. of members under actual surveillance on 31st December.	No. of members convicted during the year—			Remarks.
	At the close of the previous year.	During the year.	At the close of the previous year	During the year.	At the close of the previous year.	During the year.					For breaches of rules.	For specific offences.	Under preventive sections.	
11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
2	3	4	4	2	1	2	149	5	5	139	5	..	..	
2	4	1	..	1	..	..	225	41	6	178	12	8	..	
..	67	27	1	..	..	..	281	17	48	216	22	12	..	
7	168	9	5	1*	..	..	277	29	17	231	29	1	..	*One member residing in Calcutta.
6	30	9	3	2	..	..	339	21	13	305	8	1	1	
8	34	33	2	2	..	..	514	75	43	396	43	22	..	
25	306	83	15	8	1	2	1,785	188	132	1,465	119	44	1	
..	33	25	1	5*	5	8	315	86	39	190	31	4	..	*One member residing in Calcutta.
..	6	13	..	..	..	..	171	17	8	146	19	7	1	
..	13	9	4	1	..	..	138	11	2	125	4	4	..	
..	4	3	1	..	..	..	54	5	9	40	12	..	..	
4	2	6	2	1*	..	..	57	12	1	44	5	4	..	*One member under military service.
4	58	56	8	7	5	8	735	131	59	545	71	19	1	
..	..	..	..	3*	..	..	19	3	3	13	5	1	..	*Three members joined the Army.
23	12	48	1	3*	..	1	532	58	54	420	55	12	2	*One member residing in Calcutta.
..	5	2	..	..	..	..	153	5	..	148	6	3	..	
..	..	1	..	..	2	1	32	..	28	4	..	..	..	
6	17	8	1	1	..	..	192	28	8	156	27	16	..	
..	11	14	2	..	..	..	175	10	6	159	13	2	..	
8	3	1	..	..	..	..	46	9	36	1	9	4	..	
..	..	..	..	..	..	..	1	..	..	1	..	..	..	
37	48	74	4	7	2	2	1,150	113	135	902	115	38	2	
21	39	18	1	..	..	2	357	81	52	224	42	10	8	
..	8	5	..	..	..	4	74	8	5	61	8	1	..	
..	359	12	9	1	4	..	136	25	24	87	13	2	..	
21	406	35	10	1	4	6	567	114	81	372	63	13	8	
..	47	13	..	..	..	1	281	33	13	235	18	6	..	
..	3	25	22	34*	..	..	152	38	13	101	23	10	..	*All the 34 members joined the Army.
..	12	15	..	..	..	..	213	17	23	173	9	7	..	
1	3	3	1	..	..	..	65	9	3	53	6	3	..	
1	65	56	23	34	..	1	711	97	52	562	56	26	..	
..	..	..	..	..	..	..	3	..	..	..	..	..	..	
..	..	..	..	..	..	..	38	..	..	..	..	..	..	
88	883	304	60	57	12	19	4,989	643	459	3,846	424	140	12	

Paragraph 34 (*concld.*)—**Saidpur Settlement (under the management of the Salvation Army, 1943).**

	Men.	Women.	Boys.	Girls.	Total.
Population	102	106	37	56	301
Present	52	84	35	51	222
Absconding	11	6	1	2	20
Jail	20	3	..	..	23
Out of view	18	10	..	..	28
Mental Hospital	..	1	..	..	1
Conditional discharge	1	2	1	2	6
On leave	..	..	..	1	1
Number of death during the year ..	..	..	..	..	30
Number of birth during the year ..	..	..	..	..	16

Convictions.

Under Criminal Tribes Act	..	..	..	..	29
Under Indian Penal Code	..	..	..	..	5
Under Excise Act	..	..	..	..	2
			Total ..		36

Nilphamari School for Children of Karwal Nats of the Saidpur Settlement, 1943.

	Boys.	Girls.	Total.
1. Number of children on the roll of the school at the beginning of the year ..	37	37	74
2. Number of children admitted to school on transfer from the Saidpur Settlement during the year	1	1	2
3. Number of children discharged on completion of their course	3	6	9
4. Number of children absconding at the close of the year	17	..	17
5. Number of children actually present in the school at the close of the year ..	18	32	50
6. Number of children registered during the year on account of persistent failure to subject themselves to school discipline	2	1	3
7. Number of discharged children provided with employment	2	4	6
8. Number of discharged girls sent to their husbands	..	1	1
9. Number of children of school-going ages in the Saidpur Settlement who cannot be transferred to Nilphamari school for lack of accommodation	14	21	35

Statement of Karwal Nat Wandering gangs which visited the districts during 1943.

District.	Members.			Gang arrived.		Gang left.		Members joined the gang from.	
	Males.	Females.	Children.	From.	On.	For.	On.	Nilphamari School.	Saidpur Settlement.
1	2	3	4	5	6	7	8	9	10
Bankura ..	38	79	126	Burdwan ..	..	Burdwan	..	..	..
Burdwan ..	40	78	125	Bankura ..	..	Bankura	..	..	..
Hooghly ..	39	87	130	Burdwan ..	..	Burdwan	..	..	..

District.	Members joined the gang from.			Members left the gang for.				Members registered in.			
	Other districts.	Bihar.	U. P.	Saidpur settlement.	Other districts in Bengal.	Bihar.	U. P.	The district.	Other districts of Bengal.	Bihar.	U. P.
	11	12	13	14	15	16	17	18	19	20	21
Bankura ..	..	..	..	..	..	..	..	1	..	..	..
Burdwan ..	7	..	5	..	..	..	..	101	..	..	..
Hooghly ..	..	..	..	..	..	..	..	11	..	..	..

District.	Number of adults exempted from operation of the Act under U. P. Rules.	In jail.	Untraced.	Convicted in the district during stay.			Personal Rolls (H forms available).		Remarks.
				For breach of rules.	For specific offences.	Under preventive sections.	With members.	With Police.	
	22	23	24	25	26	27	28	29	30
Bankura ..	..	..	..	2	2	..	..	..	..
Burdwan ..	..	6	10	4	3	..	..	..	..
Hooghly ..	..	..	..	..	1	5	..	..	..

Paragraph 35.—Working of the Finger Print Bureau. (Searches.)

Provincial (including Calcutta and other Provinces).

	1942.	1943.
Total number of searches	27,723	34,706
Number of "Traced" out of above	6,413	5,545
Number of "Untraced" out of above	21,310	29,161
Calcutta Police.		
Total number of searches	17,622	21,566
Number of "Traced" out of above	4,501	3,519
Number of "Untraced" out of above	13,121	18,047
Bengal Police.		
Total number of searches	6,231	7,991
Number of "Traced" out of above	1,372	1,435
Number of "Untraced" out of above	4,859	6,556
Other Provinces.		
Total number of searches	3,870	5,149
Number of "Traced" out of above	540	591
Number of "Untraced" out of above	3,330	4,558
Bengal Police and Calcutta combined.		
Total number of searches	23,853	29,557
Number of "Traced" out of above	5,873	4,954
Number of "Untraced" out of above	17,980	24,603
Percentage of success in tracing.		
(*a*) On total number of searches	23·13	15·97
(*b*) On combined Bengal and Calcutta figures	24·62	16·08
(*c*) On Provincial number of searches	22·02	17·98
Training class.		
(*a*) Number of Officers declared expert (*i*) Bengal Police	7	
(*ii*) Calcutta Police	2	
(*b*) Number of local expert who underwent training (Re-fresher course)	16	
Record.		
Number of slips on record at the end of 1942	253,716	269,485
Number of slips received for record during 1943	15,796	13,284
Total	269,512	282,769
Less on account of withdrawals—		
(*a*) Slips of criminals reported dead	27	32
(*b*) Slips of criminals withdrawn under the elimination system	..	..
Number of slips on record at the end of 1943	269,485	282,737
Cases.		
(*a*) Number of private (fee) cases including different suits tried on the same date	63	71
(*b*) Number of Government cases	108	99
(*c*) Number of cases in which experts visited place of occurrence	3	7
Fees.	Rs.	Rs.
(*a*) Amount earned as Expert fees in cases	1,260	1,420
(*b*) Amount earned as Expert fees for giving opinion on documents	540	1,220
Total	1,800	2,640

Paragraph 35 *(concld.)*—**Working of the Finger Print, etc.**

Exhibits and documents.

	1942.	1943.
(*a*) Examination of F. P. S. on exhibits (alamats)	113	121
(*b*) Examination of F. P. S. on documents	112	144
(*c*) Number of cases in which fees were earned by giving opinion on documents	27	61
(*d*) Successful identification from alamat prints referred to in (*a*)	10	14

Absconders.

Number of absconders traced by the F. P. system	42	112

Staff.

Deputy Superintendent of Police	1
Inspector of Police	1
Honorary Inspector of Police	8
Sub-Inspector of Police	9
Daftry	1

Temporary.

Sub-Inspector of Police	10

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36 Photographic Bureau.

		Figures for 1942.	Figures for 1943.
1.	Number of professional criminals photographed	78	121
2.	Number of unidentified dead bodies	36	30
3.	Number of persons concerned in Excise cases	22	5
4.	Number of photographs supplied to Excise Department	107	51
5.	Number of enlargements prepared of foot prints for the Foot Print Expert	32	38
6.	Number of photographs prepared of cartridges, house-breaking implements, to assist the Officer-in-Charge, Scientific Section.	37	318
7.	Number of finger impressions on exhibits photographed	450	475
8.	Number of photographic enlargements of finger impressions supplied to Finger Print Bureau ..	318	663
9.	Cost of photographs of finger prints in Civil cases credited to Government ..	Rs. 155	380
10.	Number of photographs supplied to the Criminal Intelligence Bureau and to the districts for record.	594	279
11.	Number of documents photographed in Handwriting cases	2,636	1,825
12.	Number of enlargements prepared in Handwriting cases	1,913	1,845
13.	Number of questioned notes examined	680	1,269
14.	Number of other exhibits examined in note forgery cases	302	51
	Number of Petrol and Ration coupons	..	414
15.	Number of courts attended by the Expert Examiner of questioned notes	33	47
16.	Number of Handwriting cases examined	533	585
17.	Number of courts attended by Handwriting Experts taking into consideration the working days of the year absences equivalent to the total absence of two experts throughout the year and of another for 72 days of the year.	247	275
		Rs. a. p.	Rs. a. p.
18.	Number of amount realised in non-police cases as fees of the experts and the cost of photographic enlargements.	2,953 7 6	2,321 3 0

Paragraph 37.—Criminal Intelligence Bureau.

Serial No.	Subjects.	Figures for 1942.	Figures for 1943.
1	2	3	4
1	Total searches of Finger Print Slips and Criminal Intelligence Bureau references	28,007	35,839
2	Short Criminal Histories supplied to Investigating and Court Officers	468	881
3	Criminal Intelligence Bureau references searched	284	1,133
4	Finger Print Bureau Records supplementary	10	14
5	Absconders traced	13	24
6	Cases detected	11	19
7	Officers consulting the records	11	18
8	Lectures delivered in the—		
	(*a*) Police Training College	1	2
	and		
	(*b*) Laboratory of the Criminal Intelligence Bureau	11	103

SECTION IX.

Paragraph 38.—Non-cognizable crime and miscellaneous.

Class.	Cases reported including pending cases of the last year.		Increased + or decreased —.	Number of cases in which police were employed (excluding cases under sections 107 and 145, Cr. P. C.).		Percentage of cases in which police were employed to total number of cases reported (excluding cases under sections 107 and 145, Cr. P. C.).	
	1942.	1943.		1942.	1943.	1942.	1943.
1	2	3	4	5	6	7	8
Class I	5,606	4,843	−763	119	135	2·1	2·7
Class II	24	27	+3	2	3	8·3	11·1
Class III	509	577	+68	28	40	5·5	6·9
Class IV	42,619	39,783	−2,836	314	513	·73	1·2
Class V	19,035	20,978	+1,943	223	415	1·1	1·9
Total of classes I to V ..	67,793	66,208	−1,585	686	1,106	1·01	1·6
Class VI	15,947	15,175	−772	244	303	1·5	1·9
Special and local laws ..	53,823	44,557	−9,266	237	266	·44	·59
Total of class VI and special laws	69,770	59,732	−10,038	481	569	·69	·95
Grand Total ..	137,563	125,940	−11,623	1,167	1,675	·84	1·3

Paragraph 38.—Non-cognizable crime (reported and pending cases of the previous year).

Serial No.	Class.	1942.	1943.	Increases.	Decreases.
1	Class I	..	..	..	..
2	Class I	1	..	..	1
3	Class I	134	..	..	134
4	Class I	4,098	3,458	..	640
5	Class I	67	71	4	..
6	Class I	772	829	57	..
7	Class I	220	223	3	..
8	Class I	130	89	..	41
9	Class I	19	103	84	..
10	Class I	165	70	..	95
	Total	5,606	4,843	48	911

Paragraph 38 *(concld).*—**Non-cognizable crime (reported and pending cases of the previous year).**

Serial No.	Class.		1942.	1943.	Increases.	Decreases.
11	Class II	..	12	13	1	..
12	Class II	..	2	1	..	1
12a	Class II	..	10	13	3	..
		Total ..	24	27	4	1
13	Class III	..	509	577	68	..
		Total ..	509	577	68	..
14	Class IV	..	5	24	19	..
15	Class IV	..	15,568	13,788	..	1,780
16	Class IV	..	1	1	..	..
17	Class IV	..	27,045	25,969	..	1,076
18	Class IV	..	..	1	1	..
		Total ..	42,619	39,783	20	2,856
19	Class V	..	1,272	1,597	325	..
20	Class V	..	2,244	2,953	709	..
21	Class V	..	15,519	16,428	909	..
		Total ..	19,035	20,978	1,943	..
22	Class VI	..	5	6	1	..
23	Class VI	..	2	18	16	..
24	Class VI	..	4,304	4,060	..	244
25	Class VI	..	408	340	..	68
26	Class VI	..	2,879	2,740	..	139
27	Class VI	..	1,053	886	..	167
28	Class VI	..	1	..	..	1
29A	Class VI	..	397	229	..	168
29B	Class VI	..	1,256	1,160	..	96
30	Class VI	..	485	322	..	163
31	Class VI	..	2,515	2,356	..	159
32	Class VI	..	1,603	1,795	192	..
33	Class VI	..	133	126	..	7
34	Class VI	..	906	1,137	231	..
		Total ..	15,947	15,175	440	1,212
35	Special or Local Laws	..	53,823	44,557	..	9,266
		Grand Total ..	137,563	125,940	2,623	14,246

Persons concerned in non-cognizable crime.

		Figures for— 1942.	1943.	Increases + or decreases. −.
1.	Number of persons who appeared before courts	175,337	188,706	+13,369
2.	Number of persons discharged without trial	33,560	31,294	−2,266
3.	Number of persons cases against whom were compounded or otherwise disposed of	21,757	15,455	−6,302
4.	Number of persons tried	98,452	90,553	−7,899
5.	Number of persons convicted	61,930	58,270	−3,660
6.	Number of persons discharged or acquitted	36,522	32,283	−4,239
7.	Number of persons uuder trial at the end of the year	19,157	19,882	+725
8.	Percentage of persons discharged without trial to persons who appeared before courts	19·1	16·5	−2·6
9.	Percentage of persons tried to persons who appeared before courts	56·1	47·9	−8·2
10.	Percentage of persons convicted to persons tried	62·9	64·3	+1·4
11.	Percentage of persons convicted to persons who appeared before the courts (excluding persons under trial at the end of the year)	39·9	34·5	−5·4

Paragraph 39.—Unnatural deaths.

Causes of death.	1942.			1943.
1. Suicide—				
Men	1,778			2,472
Women	1,988			2,242
Children	168	Under 6 years	26	170
		6 to 12 years	21	
		12 to 18 years	123	
Total ..	3,934	Total		.. 4,884
2. Drowning—				
Men	911			878
Women	946			866
Children	5,547	Under 6 years	2,514	3,626
		6 to 12 years	748	
		12 to 18 years	364	
Total ..	7,404	Total		.. 5,370
3. Snakebite—				
Men	1,440			1,297
Women	1,339			1,234
Children	1,141	Under 6 years	276	886
		6 to 12 years	399	
		12 to 18 years	211	
Total ..	3,920	Total		.. 3,417
4. Killed by wild beasts—				
Men	31			33
Women	15			15
Children	35	Under 6 years	15	36
		6 to 12 years	15	
		12 to 18 years	6	
Total ..	81	Total		.. 84
5. Fall from buildings—				
Men	118			142
Women	26			30
Children	82	Under 6 years	16	73
		6 to 12 years	27	
		12 to 18 years	30	
Total ..	226	Total		.. 245
6. Other causes—				
Men	1,219			1,544
Women	433			472
Children	473	Under 6 years	205	405
		6 to 12 years	199	
		12 to 18 years	81	
Total ..	2,125	Total		.. 2,421
Total—				
Men	5,497			6,366
Women	4,747			4,869
Children		Under 6 years	3,052	5,196
		6 to 12 years	1,329	
		12 to 18 years	815	
Grand Total ..	17,690	Grand Total		 16,421

	1942.	1943.
Number of unnatural death cases which, on investigation, transpired to be cases of murder or culpable homicide	90	90
(*i*) Number of such cases sent up for trial	15	20
(*ii*) Number of cases convicted	5	5
(*iii*) Number of cases *sub judice* at the end of the year	3	7

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Paragraph 40.—Processes served by the Police, 1943.

Districts.	Warrants.				Summonses and other legal processes.				Total.	
	Received in 1942.	Outstanding at the end of 1942.	Received in 1943.	Outstanding at the end of 1943.	Magistrates and other judicial and revenue officers.		Police.			
					1942	1943	1942	1943	1942	1943
1	2	3	4	5	6	7	8	9	10	11
24-Parganas ..	8,224	427	9,896	441	9,120	9,825	1,622	1,590	18,966	21,311
Nadia	1,842	120	2,536	242	1,025	1,537	141	267	3,008	4,340
Murshidabad ..	1,491	131	2,182	199	1,095	1,287	424	489	3,010	3,908
Jessore	2,348	204	4,305	466	2,319	3,875	506	917	5,173	9,097
Khulna	4,010	304	3,821	240	881	1,260	313	446	5,204	5,525
Total	17,915	1,186	22,740	1,588	14,440	17,734	3,006	3,709	35,361	44,181
Burdwan	1,295	75	1,825	230	2,251	3,527	295	855	3,841	6,207
Birbhum	413	64	1,025	162	1,015	934	169	193	1,597	2,152
Bankura	758	48	1,132	177	1,345	1,611	365	193	2,463	2,936
Midnapore	3,771	332	4,146	758	2,732	3,795	461	987	6,964	8,928
Hooghly	1,724	80	1,802	2	3,409	3,173	236	55	5,369	5,030
Howrah	6,090	209	5,142	231	4,095	3,674	1,893	2,452	12,078	11,268
Total	14,051	808	15,072	1,560	14,847	16,714	3,419	4,735	32,312	36,521
Rajshahi	997	44	1,196	24	872	1,055	27	54	1,896	2,305
Dinajpur	1,203	84	1,525	83	1,638	1,363	437	438	3,278	3,326
Jalpaiguri	771	59	842	62	2,254	2,173	348	312	3,373	3,327
Rangpur	2,256	114	1,940	270	3,064	2,341	872	1,299	6,192	5,580
Bogra	609	25	875	84	631	1,066	688	999	1,928	2,940
Pabna	2,042	171	2,477	320	922	920	617	553	3,580	3,950
Malda	1,149	86	1,505	127	991	1,666	179	279	2,319	3,450
Darjeeling	200	22	157	23	177	594	249	36	626	787
Total	9,227	605	10,517	993	10,549	11,178	3,416	3,970	23,192	25,665
Dacca	5,472	682	9,320	1,460	4,487	3,731	1,783	2,730	11,742	15,781
Mymensingh ..	5,845	377	6,950	721	6,739	5,943	3,548	3,131	16,132	16,024
Faridpur	4,302	271	6,002	604	2,298	8,113	1,161	3,614	7,761	17,729
Total	15,619	1,330	22,272	2,785	13,524	17,787	6,492	9,475	35,635	49,534
Bakarganj	5,433	486	5,748	627	5,983	6,129	939	1,057	12,355	12,934
Tippera	4,783	489	4,769	671	3,032	3,242	1,196	953	9,011	8,964
Noakhali	2,962	530	3,665	563	2,769	4,395	1,154	1,296	6,885	9,356
Chittagong	11,534	577	6,687	625	5,037	3,995	1,835	1,296	18,406	11,978
Total	24,712	2,082	20,869	2,486	16,821	17,761	5,124	4,602	46,657	43,232
Grand Total ..	81,524	6,011	91,470	9,412	70,181	81,174	21,457	26,491	173,157	199,133

The table below shows to what extent the services of the police were utilised in serving and dealing with matters which are for the most part outside the scope of their ordinary duties.

	Nature of process.	Number received which necessitated service by post or by the deputation of an officer outside the thana buildings.	Number received which were disposed of within the thana buildings.	Total.
1.	Notices to false informants to show cause why they should not be prosecuted under section 211, I. P. C.	368	66	434
2.	Notices regarding renewal of gun licence	7,142	738	7,880
3.	Court petitions for summary enquiry	11,297	470	11,767
4.	Orders regarding local and district boards including elections ..	399	348	747
5.	Registration and reports of vital statistics	29	98	127
6.	Orders to report on crops, prices, hats and bazars	3,776	4,821	8,597
7.	Notices regarding excise, ferries and pounds and collection of rents for them.	449	880	1,329
8.	Orders on Panchayets	2,213	1,930	4,143
9.	Notices of the Agricultural Department	1,456	1,554	3,010
10.	Miscellaneous	40,745	31,520	72,265
	Total ..	67,874	42,425	110,299

Paragraph 41.—Absconded offenders and surveillance.

		Figures for— 1942.	Figures for— 1943.	Increase + or Decrease −.
1.	Number of absconders at the end of the year	2,252	3,491	+1,239
2.	Number of surveilles—			
	(*i*) Under actual surveillance	20,282	19,167	−1,115
	(*ii*) In jail	3,409	3,232	−177
	(*iii*) Untraced	2,703	2,681	−22
	Total	26,394	25,080	−1,314
3.	Number of persons bound down under section 565, Cr. P. C.	2,336	1,813	−523
4.	Number of persons punished for disobeying orders under section 565, Cr. P. C.	1,088	972	−116
5.	Number of accused persons who absconded while on bail	756	672	−84
6.	Number of proceedings instituted under section 514, Cr. P. C., for forfeiture of bail bonds.	201	356	+155
7.	Number of instances in which the full amount of the bail bond was forfeited ..	197	350	+153
8.	Number of cases in which only a portion of the bail bond was forfeited ..	62	44	−18
9.	Number of cases in which the bailors were excused or acquitted	94	176	+82
10.	Number of cases which remained undecided at the end of the year	31	87	+56
11.	Percentage of full forfeiture of bail bonds to proceedings instituted	10	43	+33
12.	Percentage of full forfeiture of bail bonds to proceedings instituted	31·4	12·5	−18·9

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STATEMENT A.

Return of cognizable crime for the year 1943.

Part I.—Return of cases.

Serial number.	Law.	Offence.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation (cols. 4 +5−6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of year.	True cases.				Total Magistrate's true cases.	Total Magistrate's cases ending in conviction.	Grand total of true cases (cols. 14+15).	Otherwise disposed of.
										Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 6+11+12+13).				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
	Sections of Indian Penal Code.																
1	115, 117, 118, 119.	Abetment of cognizable offence.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	120B(1) ..	Cognizable criminal conspiracy.	1	3	..	4	..	..	1	1	1	..	2	..	..	2	1
		Total ..	1	3	..	4	..	..	1	1	1	..	2	..	..	2	1
	Class I.—Offences against the State, Public Tranquillity, Safety and Justice.																
2	131 to 136, 138.	Offences relating to the army and navy.	1	3	..	4	..	1	..	2	1	..	3	..	..	3	..
3	231 to 254	Offences relating to coin	29	66	..	95	1	8	31	40	6	8	54	25	2	79	1
4	255 to 263A	Offences relating to stamps.	2	10	..	12	1	3	6	1	..	1	2	31	..	33	..
5	467 and 471	Offences relating to Government promissory notes.	3	6	..	9	..	2	1	2	..	4	6	5	1	11	..
6	489A to 489D	Offences relating to currency notes and bank notes.	18	41	..	59	..	9	18	8	10	13	31	3	1	34	1
7	212 and 216, 216A.	Harbouring an offender	6	17	..	23	..	2	10	6	1	3	10	2	..	12	1
8	213, 215, 224, 225, 225B and 226.	Other offences against public justice.	53	207	..	260	1	7	125	93	7	13	113	8	4	121	14
9	143 to 153, 157, 158, 159.	Rioting or unlawful assembly.	711	2,313	40	2,984	70	371	1,117	382	352	598	1,372	501	100	1,873	94
10	140, 170, 171	Personating public servant or soldier.	7	29	..	36	..	2	15	14	3	2	19	10	1	29	..
10A	295, 296 and 297	Offences against religion	3	12	..	15	..	2	3	2	2	5	9	18	4	27	1
		Total ..	833	2,704	40	3,497	73	407	1,326	550	382	647	1,619	603	113	2,222	112
	Class II.—Serious offences against the Person.																
11	302, 303 ..	Murder ..	250	951	..	1,201	6	49	348	72	174	516	762	20	9	782	36
12	307 ..	Attempts at murder ..	15	77	..	92	..	7	34	7	9	34	50	13	1	63	1
13	304, 308 ..	Culpable homicide ..	176	604	..	780	4	63	260	140	131	163	434	22	7	456	19
14	376 ..	Rape by a person other than the husband.	39	131	..	170	20	26	39	31	17	36	84	35	6	119	1
15	377 ..	Unnatural offence ..	6	16	..	22	4	..	1	2	5	9	16	10	2	26	1
16	317, 318 ..	Exposure of infants or concealment of birth.	5	30	..	35	1	7	3	4	..	17	21	7	..	28	3
17	305, 306, 309	Attempt at and abetment of suicide.	23	149	1	171	1	24	20	85	1	25	112	6	5	118	15
18	325, 326, 329, 331, 333, 335.	Grievous hurt ..	289	931	9	1,211	4	203	259	280	88	206	583	347	73	930	171
19	328 ..	Administering stupefying drugs to cause hurt.	10	21	..	31	..	5	7	2	3	13	18	..	..	18	1
20	324, 327, 330	Hurt ..	243	1,265	113	1,395	8	141	249	154	66	416	749	1,601	212	2,350	361
21	363 to 369 and 371, 372 and 373.	Kidnapping or abduction, selling, etc., for prostitution and dealing in slaves.	94	350	..	444	29	101	112	49	66	75	190	316	30	506	12
22	346 to 348	Wrongful confinement and restraint in secret or for purpose of extortion.	1	10	..	11	1	4	3	1	..	2	3	18	2	21	..
22A	332, 353 ..	Hurt and assault to deter a public servant from his duty.	42	124	..	166	..	20	42	57	15	22	94	52	15	146	10
23	354, 356, 357	Criminal force to public servant or woman, or an attempt to commit theft or wrongfully confine.	53	182	..	235	7	41	49	52	31	50	133	330	57	463	5
24	304A, 338 ..	Rash or negligent act causing death or grievous hurt.	22	171	..	193	1	34	41	33	23	41	97	5	1	102	20
		Total ..	1,268	5,012	123	6,157	86	725	1,467	969	629	1,625	3,346	2,782	420	6,128	656

STATEMENT A.

Return of cognizable crime for the year 1943.

PART I.—Return of cases—*concld.*

Serial number.	Law.	Offence.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation (cols. 4 +5−6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of year.	True cases.				Total Magistrate's true cases.	Total Magistrate's cases ending in conviction.	Grand total of true cases (cols. 14+15).	Otherwise disposed of.
										Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 6 + 11 + 12+13).				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
	Class III.—Serious offences against Person and Property, or against Property only.																
25	395, 396, 397, 398, 399, 402.	Dacoity and preparation and assembly for dacoity.	752	7,357	725	7,384	83	43	2,030	357	330	4,512	5,924	31	8	5,955	29
26	392, 393, 394, 397, 398.	Robbery ..	175	1,546	109	1,612	69	175	305	130	86	827	1,152	106	18	1,258	20
27	270, 281, 282, 430 to 433, 435 to 440.	Serious mischief and cognate offences.	137	471	11	597	40	44	58	17	53	382	463	109	24	572	3
28	428, 429 ..	Mischief by killing, poisoning or maiming any animal.	38	233	7	264	1	24	35	73	23	104	207	229	33	436	4
29	449 to 452, 454, 455, 457 to 460.	Lurking house trespass or house-breaking with intent to commit an offence, or having made preparation for hurt and house trespass with a view to commit an offence or having made preparation for hurt.	1,336	39,129	9,674	30,791	312	270	2,986	2,280	573	24,249	36,776	214	49	36,990	121
30	311, 400, 401	Belonging to gangs of thugs, dacoits, robbers and thieves.	1	..	..	1	..	..	1	..	..	..	..	..	..	..	..
		Total ..	2,439	48,736	10,526	40,649	505	556	5,415	2,857	1,065	30,074	44,522	689	132	45,211	177
	Class IV.—Minor offences against the Person.																
31	341 to 344	Wrongful restraint and confinement.	31	215	..	246	4	63	41	25	9	57	91	861	97	952	47
32	336, 337 ..	Rash act causing hurt or endangering life.	10	45	2	53	..	6	7	13	4	18	37	25	5	62	5
		Total ..	41	260	2	299	4	69	48	38	13	75	128	886	102	1,014	52
	Class V.—Minor offences against Property.																
33	379 to 382	Theft { of Cattle	135	1,175	45	1,265	11	110	296	490	65	271	871	92	28	963	22
		Theft { ordinary	1,955	26,329	4,729	23,555	239	1,186	3,364	5,828	825	11,891	23,273	12,285	2,346	35,558	222
34	406 to 409	Criminal breach of trust	243	781	3	1,021	11	130	354	160	63	254	480	2,060	240	2,540	49
35	411 to 414	Receiving stolen property	843	4,153	4	4,992	10	166	1,172	3,101	356	118	3,579	212	87	3,791	69
36	419, 420	Cheating ..	204	668	..	872	6	69	335	192	52	144	388	1,915	138	2,303	74
37	447, 448, 453 and 456.	Criminal or house trespass and lurking house trespass or house-breaking.	87	579	7	659	9	58	77	179	36	202	424	8,404	898	8,828	98
38	461, 462 ..	Breaking closed receptacle	7	1,054	309	752	6	14	83	34	14	592	949	9	3	958	9
		Total ..	3,474	34,739	5,097	33,116	292	1,733	5,681	9,984	1,411	13,472	29,964	24,977	3,740	54,941	543
		Grand Total ..	8,056	91,454	15,788	83,722	960	3,490	13,938	14,399	3,501	45,893	79,581	29,937	4,507	109,518	1,541

STATEMENT A.

Return of cognizable crime for the year 1943.

PART II.—Return of persons concerned in cases.

Serial number.	Law.	Offence.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up, by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrates' order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at end of year.	Persons concerned in Magistrates' cases.			Otherwise disposed of.	Surrendered or appeared under order of Magistrate.
												Number arrested.	Number convicted.	Number acquitted or discharged.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Sections of Indian Penal Code.															
1	115, 117, 118, 119.	Abetment of cognizable offence.	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	120B, (1) ..	Cognizable criminal conspiracy.	6	30	..	6	10	2	8	..	..	..	..	..	22	2
		Total ..	6	30	..	6	10	2	8	..	..	..	..	..	22	2
	Class I.—Offences against the State, Public Tranquillity, Safety and Justice.															
2	131 to 136, 138.	Offences relating to the army and navy.	1	7	..	1	7	3	4	..	..	..	..	..	..	..
3	231 to 254 ..	Offences relating to coin	22	112	13	12	58	47	11	1	43	36	2	34	9	1
4	255 to 263A	Offences relating to stamps.	1	19	1	4	1	1	..	..	14	72	..	72	..	..
5	467 and 471	Offences relating to Government promissory notes.	14	10	2	4	7	5	2	1	10	7	1	6	4	3
6	489A to 489D	Offences relating to currency notes and bank-notes.	14	66	5	29	31	10	21	..	15	9	1	6	1	1
7	212 and 216, 216A.	Harbouring an offender	10	22	1	1	13	8	5	3	11	9	..	7	6	..
8	213, 215, 224, 225, 225B & 226.	Other offences against public justice.	102	291	6	22	206	186	20	80	171	29	9	11	16	28
9	143 to 153, 157,158,159.	Rioting unlawful assembly.	4,199	13,114	1,756	2,732	7,445	3,118	4,327	1,308	7,387	2,037	418	1,256	999	3,006
10	140, 170, 171	Personating public servant or soldier.	10	31	..	..	29	17	12	2	12	8	2	3	..	..
10A	295, 296 and 297.	Offences against religion	4	21	6	1	3	2	1	..	11	30	11	19	4	..
		Total ..	4,377	13,693	1,790	2,806	7,800	3,397	4,403	1,395	7,674	2,237	444	1,414	1,039	3,039
	Class II.—Serious offences against the Person.															
11	302, 303 ..	Murder ..	330	1 594	267	567	678	138	540	172	580	51	13	31	43	211
12	307 ..	Attempts at murder ..	16	97	13	51	35	12	23	4	33	26	1	22	2	21
13	304, 308 ..	Culpable homicide ..	267	951	82	157	754	288	466	97	419	58	12	32	38	232
14	376 ..	Rape by a person other than the husband.	44	133	18	45	98	46	52	11	44	105	8	86	2	30
15	377 ..	Unnatural offence ..	3	11	1	6	7	2	5	..	1	16	3	11	..	..
16	317, 318 ..	Exposure of infants or concealment of birth.	3	13	6	2	6	4	2	2	1	9	..	9	1	..
17	305, 306, 309	Attempt at and abetment of suicide.	14	113	5	8	87	86	1	3	15	6	5	1	14	2
18	325, 326, 329, 331, 333, 335.	Grievous hurt ..	394	1,372	202	142	846	476	370	45	427	880	129	567	398	249
19	328 ..	Administering stupefying drugs to cause hurt.	4	22	3	12	6	2	4	..	4	..	..	..	1	..
20	324, 327, 330	Hurt	401	1,284	279	203	476	251	225	63	285	3,197	353	2,260	783	341
21	363 to 369 and 371, 372, 373.	Kidnappping or abduction, selling, etc., for prostitution and dealing in slaves.	197	631	110	181	371	97	274	34	227	691	74	559	45	106
22	346 to 348 .	Wrongful confinement and restraint in secret or for purpose of extortion.	4	37	9	4	6	1	5	2	18	23	5	18	4	..
22A	332, 353 ..	Hurt and assault to deter a public servant from his duty.	168	378	53	24	295	17	138	13	183	134	31	86	28	37
23	354, 356, 357	Criminal force to public servant or woman or an attempt to commit theft or wrongfully confine.	55	155	20	30	126	63	63	10	48	607	96	457	11	25
24	304A, 338	Rash or negligent act causing death or grievous hurt.	22	137	16	24	72	38	34	4	36	11	4	7	17	6
		Total ..	1,922	6,928	1,083	1,456	3,863	1,661	2,202	460	2,321	5,814	734	4,146	1,387	1,260

STATEMENT A.

Return of cognizable crime for the year 1943.

PART II.—Return of persons concerned in cases—*concld.*

Serial number.	Law.	Offence.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up, by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrates' order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at end of year.	Persons concerned in Magistrates' cases.			Otherwise disposed of.	Surrendered or appeared under order of Magistrate.
												Number arrested.	Number convicted.	Number acquitted or discharged.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Class III.—Serious offences against Persons and Property, or against Property only.															
25	395, 396, 397, 398, 399 402.	Dacoity and preparation and assembly for dacoity.	1,733	24,757	3,207	14 170	3,440	1,309	2,131	815	6,188	202	18	110	134	649
26	392, 393, 394, 397, 398.	Robbery ..	190	1,596	180	702	538	266	272	57	424	311	55	224	33	91
27	270, 281, 282, 430 to 433, 435 to 440.	Serious mischief and cognate offences.	304	544	138	383	307	45	262	66	163	206	34	145	4	147
28	428, 429 ..	Mischief by killing, poisoning or maiming any animal.	74	302	54	48	221	149	72	15	64	464	55	365	28	39
29	449 to 452, 454, 455, 457 to 460.	Lurking house trespass or house-breaking with intent to commit an offence, or having made preparation for hurt and house-trespass with a view to commit an offence or having made preparation for hurt.	1,027	10,755	1,212	3,272	4,175	2,881	1,294	310	3,319	396	90	238	232	428
30	311 to 400, 401.	Belonging to gangs of thugs, dacoits, robbers, and thieves.	20	..	..	..	..	..	..	2	20	..	..	..	..	..
		Total ..	3,348	37,954	4,791	18,575	8,681	4,650	4,031	1,265	10,178	1,579	252	1,082	431	1,354
	Class IV.—Minor offences against the Person.															
31	341 to 344	Wrongful restraint and confinement.	49	317	58	59	96	54	42	47	78	1,988	192	1,538	128	53
32	336, 337 ..	Rash act causing hurt or endangering life.	11	56	21	1	28	18	10	..	17	36	8	25	8	8
		Total ..	60	373	79	60	124	72	52	47	95	2,024	200	1,563	136	61
	Class V.—Minor offences against Property.															
33	379 to 382	Theft— Of cattle ..	191	1,251	81	136	812	614	198	45	427	169	49	120	30	44
		Ordinary ..	2,446	18,248	1,422	3,936	10,958	7,987	2,971	561	4,950	27,288	4,304	18,942	400	972
34	406 to 409	Criminal breach of trust	169	734	66	195	334	201	133	125	301	2,937	356	2,172	40	33
35	411 to 414 ..	Receiving stolen property	1,299	6,836	220	500	5,451	3,965	1,486	207	1,992	359	118	198	182	210
36	419 to 420	Cheating ..	187	832	76	120	358	256	102	48	435	3,034	217	2,198	105	75
37	447, 448, 453, and 456.	Criminal or house trespass and lurking house trespass or house-breaking.	123	760	109	109	382	253	129	27	149	17,314	2,243	12,593	193	59
38	461, 462 ..	Breaking closed receptacle.	5	445	33	154	116	71	45	9	147	16	3	13	3	3
		Total ..	4,420	29,106	2,007	5,150	18,411	13,347	5,064	1,022	8,401	51,117	7,290	36.236	953	1,396
		GRAND TOTAL ..	14,133	88,084	9,750	28,053	38,869	23,129	15,760	4,189	28,669	62,771	8,920	44,441	3,968	7,112

STATEMENT AA.

Return of cognizable crime for the year 1943.

PART I.—Return of cases.

Serial number.	Law.	Offence.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation (cols. 4 + 5 − 6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of year.	True cases.				Total Magistrates' true cases.	Total Magistrates' cases ending in conviction.	Grand Total of true cases (cols. 14+15).	Otherwise disposed of.
										Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 6+11+12+13).				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
	Section of Indian Penal Code.																
	CLASS VI.—*Other offences not specified in Statement A-I.*																
1	269, 277, 279, 280, 283, 285, 286, 289, 291 to 294, section 34 of Act V of 1861 and nuisances punishable under local laws.	Public nuisances ..	788	10,382	..	11,170	3	22	868	9,667	237	289	10,193	1,447	1,264	11,640	8
2	..	Offences under special and local laws declared to be cognizable.	1,041	8,799	2	9,838	30	342	2,308	5,514	899	564	6,979	10,977	8,976	17,956	181
3	..	Criminal Tribes Act ..	238	767	..	1,005	..	5	430	503	31	..	534	60	50	594	3
		Total ..	2,067	19,948	2	22,013	33	369	3,606	15,684	1,167	853	17,706	12,484	10,290	30,190	306

PART II.—Return of persons concerned in cases.

Serial number.	Law.	Offence.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up, by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrate's order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at end of year.	Persons concerned in Magistrates' cases.			Remarks.	
												Number arrested.	Number convicted.	Number acquitted or discharged.	Otherwise disposed of.	Surrendered or appeared under order of Magistrate.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Section of Indian Penal Code.															
	CLASS VI.—*Other offences not specified in Statement A-II.*															
1	269, 277, 279, 280, 283, 285, 286, 289, 291 to 294, section 34 of Act V of 1861 and nuisances punishable under local laws.	Public nuisances ..	563	12,328	33	3	12,004	11,705	299	349	808	2,269	1,788	428	69	26
2	..	Offences under special and local laws declared to be cognizable.	1,755	12,891	475	663	10,345	8,285	2,060	404	3,186	16,322	13,353	2,081	369	392
3	..	Criminal Tribes Act ..	95	699	..	..	555	524	31	188	228	63	50	13	25	14
		Total ..	2,413	25,918	508	666	22,904	20,514	2,390	941	4,222	18,654	15,191	2,522	463	432

STATEMENT B.

Return of non-cognizable crime for the year 1943.

Part I.—Return of cases.

Serial number.	Law.	Offence.	Number pending at beginning of year.	Cases reported in the year.	Total for disposal (cols. 4 and 5).	Number dismissed without trial.	Cases in which accused died, escaped or became insane during trial or in which charges were abandoned, compounded or withdrawn (sections 247, 248, 259, 333, 345 and 494, C. P. C.).	Number of cases tried to a conclusion and ending in—		Number pending at close of year.	Number declared by the Court never to have occurred or to be mistakes of law or fact.	Number in which the Court held that a cognizable offence was committed.	Otherwise disposed of.
								Discharge or acquittal.	Conviction.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	115	Abetment of non-cognizable offence not committed, etc.	..	..	..	..	..	..	..	..	..	..	..
	117	Abetting commission of non-cognizable offence by public, etc.	..	..	..	..	..	..	..	..	..	..	..
	118, 119 ..	Concealing design to commit non-cognizable offence.	..	..	..	..	..	..	..	..	..	..	..
	120B(1), 120B(2) ..	Non-cognizable criminal conspiracy.	..	..	..	..	..	..	..	..	..	..	..
		Total	..	..	..	..	..	..	..	..	..	..	..
	CLASS I.—*Offences against the State, Public Tranquillity, etc. etc.*												
2	121 to 130, 505	Offences against the State	..	..	..	..	..	..	..	..	..	..	..
3	137	Harbouring deserters by Master of ship.	..	..	..	..	..	..	..	..	..	..	..
4	172 to 190, 201 to 204, 214, 225A, 227 to 229.	Offences against public justice	524	2,934	3,458	79	310	504	1,987	578	..	..	..
5	161 to 169, 217 to 223.	Offences by public servants ..	11	60	71	13	2	19	22	15	..	..	..
6	193 to 200, 205 to 211, 421 to 424.	False evidence, false complaints and claims and fraudulent deeds and disposition of property.	170	659	829	109	61	233	221	205	..	..	..
7	465 to 477A ..	Forgery or fraudulently using forged documents, not being Government Promissory Notes and falsifying accounts.	47	176	223	59	24	63	23	54	1	..	..
8	264 to 267 ..	Offences relating to weights and measures.	5	84	89	..	1	9	62	17	..	..	..
9	482 to 489 ..	Making or using false trade-marks.	12	91	103	3	8	22	52	18	..	..	..
10	149, 153A to 156, 160.	Rioting, unlawful assembly, affray.	7	63	70	1	2	5	59	3	..	..	..
		Total.. ..	776	4,067	4,843	264	408	855	2,426	890	1	..	..
	CLASS II.—*Serious offences against the Person.*												
11	312 to 316 ..	Causing miscarriage ..	1	12	13	5	2	1	1	4	..	..	..
12	370	Buying or disposing of slaves ..	..	1	1	1	..	..	..	..	..	..	..
12a	376 ..	Rape by the husband ..	..	13	13	4	2	5	1	1	..	..	..
		Total.. ..	1	26	27	10	4	6	2	5	..	..	..
	CLASS III.—*Serious offences against the Property.*												
13	384 to 389 ..	Extortion	89	488	577	232	53	170	33	89	..	..	..
	CLASS IV.—*Minor offences against the Person.*												
14	345	Wrongful confinement ..	..	24	24	1	..	22	..	1	..	..	..
15	352, 355, 358 ..	Criminal force	1,470	12,318	13,788	5,899	4,003	1,555	683	1,645	11	..	3
16	334	Hurt on grave or sudden provocation.	..	1	1	..	1	..	..	..	..	..	..
17	323	Voluntarily causing hurt	3,360	22,609	25,969	7,318	9,468	3,557	1,723	3,900	31	..	3
18	374	Compulsory labour ..	..	1	1	..	..	1	..	..	..	..	..
		Total.. ..	4,830	34,953	39,783	13,218	13,472	5,135	2,406	5,546	42	..	6

STATEMENT B.

Return of non-cognizable crime for the year 1943.

PART I.—Return of cases—*concld.*

Serial number.	Law.	Offence.	Number pending at beginning of year.	Cases reported in the year.	Total for disposal (columns 4 and 5).	Number dismissed without trial.	Cases in which accused died, escaped or became insane during trial or in which charges were abandoned, compounded or withdrawn (sections 247, 248, 259, 333, 345 and 494, C. P. C.).	Number of cases tried to a conclusion and ending in—		Number pending at close of year.	Number declared by the Court never to have occurred or to be mistakes of law or fact.	Number in which the Court held that a cognizable offence was committed.	Otherwise disposed of.
								Discharge or acquittal.	Conviction.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14
	CLASS V.—*Minor offences against Property.*												
19	417, 418 ..	Cheating	188	1,409	1,597	481	495	279	76	265	..	..	1
20	403 to 405 ..	Criminal misappropriation of property.	358	2,595	2,953	878	945	508	102	517	4	..	3
21	426, 427, 434 ..	Mischief (simple) ..	2,668	13,760	16,428	4,976	5,265	2,290	846	3,051	4	..	..
		Total.. ..	3,214	17,764	20,978	6,335	6,705	3,077	1,024	3,833	8	..	4
	CLASS VI.— *Other offences not specified above.*												
22	295A, 298 ..	Offences against religion ..	..	6	6	2	2	1	..	1	..	..	..
23	490 to 492 ..	Criminal breach of contract of service.	2	16	18	2	3	6	5	2	..	..	..
24	493 to 498 ..	Offences relating to marriage ..	611	3,449	4,060	1,401	1,196	737	136	590	6	..	..
25	500 to 503 ..	Defamation ..	59	281	340	123	100	67	11	39	..	..	..
26	504, 506 to 510 ..	Intimidation, insult and annoyance.	349	2,391	2,740	1,155	682	323	237	343	1	..	..
27	271 to 276, 278, 284, 287, 288, 290.	Public and local nuisances ..	87	799	886	59	148	53	557	69	..	..	..
28	294A	Keeping a lottery office ..	..	..	..	..	..	..	..	..	..	..	..
29A	Cases under Chapter VIII (A), Cr. P. C.	Security for keeping the peace on conviction under section 106, Cr. P. C.	21	208	229	17	69	55	64	24	..	..	..
29B	....	Security cases under section 107, Cr. P. C.	254	906	1,160	129	181	568	57	225	..	..	..
30	Cases under Chapter X, Cr.P.C.	Public nuisances	61	261	322	23	49	148	52	50	..	..	..
31	Cases under Chapter XII, Cr. P. C.	Disputes as to immovable property.	406	1,950	2,356	143	213	(a)	(a)	575	..	..	744
32	Case under Chapter XXXVI, Cr. P. C.	Maintenance of wives and Children.	177	1,618	1,795	110	740	503	191	251	1	..	..
33	....	Frivolous and vaxatious charges, section 250, Cr. P. C.	1	125	126	..	..	2	123	1	..	..	..
34	....	Forfeiture of bonds, section 514, Cr. P. C.	48	1,089	1,137	13	9	198	802	115	..	..	..
		Total ..	2,076	13,099	15,175	3,177	3,392	2,661	2,235	2,285	8	..	744
35	....	Offences under other special and local laws not cognizable by Police.	5,785	38,772	44,557	1,154	6,018	2,923	28,975	5,486	1	..	1
		Grand Total	16,771	109,169	125,940	24,390	30,052	14,827	37,101	18,134	60	..	755

(a) 681 Cases decided.

STATEMENT B.

Return of non-cognizable crime for the year 1943.

Part II.—Return of persons concerned in cases.

Serial number.	Law.	Offence.	Persons concerned in cases pending at beginning of the year, namely, under trial or against whom process had issued.	Persons against whom process issued.		Persons not arrested because absconded or evaded or failed to comply with summons during the year and persons against whom processes were outstanding at end of the year.	Persons who appeared before the courts.	Persons discharged after appearance without trial.	Persons tried.		Percentage of number convicted to number against whom process issued (columns 5 and 6).	Persons under trial at close of the year.	Remarks.		
				On complaint.	On Magistrate's own motion or information from the Police.				Acquitted or discharged.	Convicted.			Number concerned in cases abandoned, compounded, or withdrawn, and number who died, escaped or became insane during trial.	Number of those in column 11 convicted of cognizable offence.	Otherwise disposed of.
1	2	3	4	5	6	7	8	9	10	11	12	13	14(*a*)	14(*b*)	14(*c*)
1	115 ..	Abetment of non-cognizable offence not committed, etc.	..	..	..	..	..	..	..	..	..	..	..	..	..
	117 ..	Abetting commission of non-cognizable offence by public, etc.	..	..	..	..	..	..	..	..	..	..	..	..	..
	118, 119 ..	Concealing design to commit non-cognizable offence.	..	..	..	..	..	..	..	..	..	..	..	..	..
	120B (1), 120B (2).	Non-cognizable criminal conspiracy.	..	..	..	..	..	..	..	..	..	..	..	..	..
		Total	..	..	..	..	..	..	..	..	..	..	..	..	..
		CLASS I.—*Offences against the State, Public Tranquillity, etc., etc.*													
2	121 to 130, 505.	Offences against the State	..	..	..	..	..	..	..	..	..	..	..	..	..
3	137 ..	Harbouring deserters by Master of ship.	..	..	..	..	..	..	..	..	..	..	..	..	..
4	172 to 190, 201 to 204, 214, 225A, 227 to 229.	Offences against public justice.	723	4,048	739	127	5,383	355	1,186	2,723	..	914	203	..	2
5	161 to 169, 217 to 223.	Offences by public servants	5	81	20	1	105	2	39	29	..	34	1	..	..
6	193 to 200, 205 to 211, 421 to 424.	False evidence, false complaints and claims and fraudulent deeds, and disposition of property.	205	770	37	23	989	123	351	278	..	219	18	..	..
7	465 to 477A	Forgery or fraudulently using forged documents, not being Government Promissory Notes, and falsifying accounts.	84	237	6	12	315	35	135	48	..	91	4	..	2
8	264 to 267	Offences relating to weights and measures.	6	76	29	1	110	..	24	71	..	15	..	..	..
9	482 to 489	Making or using false trademarks.	3	19	3	..	25	..	8	10	..	7	..	..	..
10	149, 153A to 156, 160.	Rioting, unlawful assembly, affray.	62	246	29	..	337	29	30	204	..	74	..	..	..
		Total ..	1,088	5,477	863	164	7,264	544	1,773	3,363	..	1,354	226	..	4
		CLASS II.—*Serious offences against the Person.*													
11	312 to 316	Causing miscarriage ..	4	11	..	..	15	6	3	1	..	5	..	..	..
12	370 ..	Buying or disposing of slaves.	..	1	..	..	1	1	..	..	..	..	..	..	..
12A	376 ..	Rape by the husband ..	..	6	1	..	7	..	5	1	..	1	..	..	..
		Total	4	18	1	..	23	7	8	2	..	6	..	..	..
		CLASS III.—*Serious offences against the Property.*													
13	384 to 389	Extortion	118	490	2	12	598	96	339	45	..	96	21	..	1
		Total	118	490	2	12	598	96	339	45	..	96	21	..	1

STATEMENT B.

Return of non-cognizable crime for the year 1943.

PART II.—Return of persons concerned in cases—*concld.*

Serial number.	Law.	Offence.	Persons concerned in cases pending at beginning of the year, namely, under-trial or against whom process had issued.	Persons against whom process issued.		Persons not arrested because absconded or evaded or failed to comply with summons during the year and persons against whom processes were outstanding at end of the year.	Persons who appeared before the courts.	Persons discharged after appearance without trial.	Persons tried.		Percentage of number convicted to number against whom process issued (columns 5 and 6).	Persons under trial at close of the year.	Remarks.		
				On complaint.	On Magistrate's own motion or information from the Police.				Acquitted or discharged.	Convicted.			Number concerned in cases abandoned, compounded, or withdrawn, and number who died, escaped or became insane during trial.	Number of those in column 11 convicted of cognizable offence.	Otherwise disposed of.
1	2	3	4	5	6	7	8	9	10	11	12	13	14(*a*)	14(*b*)	14(*c*)
		CLASS IV.—*Minor offences against the Person.*													
14	345 ..	Wrongful confinement ..	..	55	..	..	55	2	53	..	..	..	..	..	..
15	352, 355, 358.	Criminal force ..	1,752	11,255	1	380	12,628	4,237	2,886	1,443	..	2,149	1,911	..	2
16	334 ..	Hurt or grave or sudden provocation.	..	2	..	..	2	..	..	..	..	..	2	..	..
17	323 ..	Voluntarily causing hurt ..	5,309	29,696	1	1,206	33,800	11,490	8,156	3,414	..	5,264	5,474	..	2
18	374 ..	Compulsory labour ..	..	2	..	..	2	..	2	..	..	..	..	..	..
		Total	7,061	41,010	2	1,586	46,487	15,729	11,097	4,857	..	7,413	7,387	..	4
		CLASS V.—*Minor offences against the Property.*													
19	417, 418 ..	Cheating	213	1,559	..	60	1,712	637	529	104	..	255	187	..	..
20	403 to 405	Criminal misappropriation of property.	343	2,183	2	84	2,444	727	779	125	..	438	373	..	2
21	426, 427, 434.	Mischief (simple) ..	3,560	16,821	..	583	19,798	6,208	4,738	2,032	..	4,408	2,408	..	4
		Total	4,116	20,563	2	727	23,954	7,572	6,046	2,261	..	5,101	2,968	..	6
		CLASS VI.—*Other offences not specified above.*													
22	295A, 298	Offences against religion ..	..	8	..	..	8	..	2	..	..	..	6	..	..
23	490 to 492	Criminal breach of contract of service.	..	17	..	..	17	7	6	..	..	4	..	..	..
24	493 to 498	Offences realting to marriage.	895	4,381	..	151	5,125	1,420	1,923	266	..	751	764	..	1
25	500 to 502	Defamation	68	259	..	1	326	95	98	17	..	57	59	..	..
26	504, 506 to 510.	Intimidation, insult and annoyance.	411	1,909	88	84	2,324	750	540	316	..	359	356	..	3
27	271 to 276, 278, 284, 287, 288, 290.	Public and local nuisances	85	942	117	17	1,127	167	194	655	..	52	59	..	..
28	294A ..	Keeping a lottery office ..	..	..	..	..	..	..	..	..	..	..	..	..	..
29A	Cases under Chapter VIIIA, Cr. P. C.	Security for keeping the peace on conviction under section 106, Cr. P. C.	95	971	183	5	1,244	336	305	472	..	108	23	..	..
29B	..	Security cases under section 107, Criminal Procedure Code.	1,604	3,913	556	58	6,015	1,046	3,523	186	..	1,089	171	..	..
30	Cases under Chapter X, Cr. P. C.	Public nuisances ..	399	1,178	44	..	1,621	234	829	310	..	179	69	..	..
31	Cases under Chapter XII, Cr. P. C.	Disputes as to immovable property.	501	2,720	14	..	3,235	226	(*a*)	(*a*)	..	494	12	..	1,493
32	Cases under Chapter XXXVI, Cr. P. C.	Maintenance of wives and children.	126	1,562	..	58	1,630	554	520	201	..	193	162	..	..
33	..	Frivolous and vexatious charges, section 250, Cr. P. C.	1	75	49	1	124	..	2	122	..	..	..	..	..
34	..	Forfeiture of bonds, section 514, Cr. P. C.	53	775	413	..	1,241	46	216	853	..	120	6	..	..
		Total	4,238	18,710	1,464	375	24,037	4,881	8,158	3,398	..	3,406	1,687	..	1,497
35	..	Offences under other special or local laws not cognizable by the Police.	5,208	50,261	4,496	3,622	56,343	2,465	4,275	43,921	..	2,506	3,166	..	10
		Grand Total	21,833	136,529	6,830	6,486	158,706	31,294	31,696	57,847	..	19,882	15,455	..	1,522

(*a*) 1,010 persons disposed of.

STATEMENT C.

Property stolen and recovered, 1943.

Offence.	Number of cases in which property was stolen.	Number of cases in which property was recovered.	Percentage of cases in which property was recovered to cases in which property was stolen.	Amount of property stolen.	Amount of property recovered.	Percentage of value of property recovered to value of property stolen.
1	2	3	4	5	6	7
				Rs. a. p.	Rs. a. p.	
(A)—Cognizable.						
1. Theft—						
(*a*) In conjunction with lurking house-trespass or house-breaking.	34,858	4,465	12·8	48,68,464 14 2	1,54,366 8 10½	3·17
(*b*) In conjunction with receiving of stolen property.	3,456	3,287	95·1	2,95,251 6 3	1,32,063 6 5	45·4
(*c*) Other thefts	23,282	7,694	33	27,83,796 14 0	2,94,548 10 9½	10·58
2. Robbery—						
(*a*) Dacoity	5,744	740	12·88	39,84,022 2 3	39,475 4 3	·99
(*b*) Other robbery	1,111	157	14·13	2,74,508 7 1½	8,130 10 10½	3
3. Criminal breach of trust ..	386	78	20·2	1,33,384 13 0	5,844 12 0	4·37
4. Criminal breach of trust by public servant or by a banker, merchant, or agent.	55	17	30·9	2,01,383 6 6	1,14,883 3 3	57
Total ..	68,892	16,438	23·8	1,25,40,811 15 3½	7,49,312 8 5½	5·97
(B)—Non-cognizable.						
5. Extortion	42	4	9·5	1,384 0 0	178 0 0	12·8
6. Criminal misappropriation ..	345	32	9·27	10,405 0 0	1,408 0 0	13·53
Total ..	387	36	9·5	11,789 0 0	1,586 0 0	13·45

STATEMENT

Showing the sanctioned strength and cost

Districts.	Number of Inspector-General and Deputy Inspectors-General.	Number of Superintendents.	Number of Assistant Superintendents.	Number of Deputy Superintendents.	Number of Inspectors.	Number of Sub-Inspectors.	Number of Sergeants.	Number of Assistant Sub-Inspectors and Head Constables.				Number of Constables.			Total.
								Assistant Sub-Inspectors.	Head Constables.						
									Foot.	Mounted.	Water.	Foot.	Mounted.	Water.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Office of the Inspector-General of Police ..	1	2	..	..	..	..	..	..	2	..	..	24	..	..	29
Presidency, Dacca, Rajshahi, Burdwan and Bakarganj Ranges ..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	5
Criminal Investigation Department and Intelligence Branch ..	1	3	1	7	71	110	..	43	4	..	..	154	..	..	394
Total ..	7	5	1	7	71	110	..	43	6	..	..	178	..	..	428
Dacca	..	4	2	1	16	116	10	106	72	..	..	1,406	..	..	1,733
Mymensingh ..	..	3	2	1	16	146	..	120	54	..	..	1,297	..	..	1,639
Faridpur	..	2	1	1	10	67	..	73	30	..	..	703	..	..	887
Bakarganj	..	3	1	1	12	102	1	92	38	..	..	945	..	..	1,195
Total ..	..	12	6	4	54	431	11	391	194	..	..	4,351	..	..	5,454
Chittagong	..	1	..	1	9	53	3	58	32	..	..	684	..	..	841
Tippera	..	2	1	1	8	63	..	64	29	..	..	642	..	..	810
Noakhali	..	1	1	1	6	31	..	30	14	..	..	324	..	..	408
Total ..	..	4	2	3	23	147	3	152	75	..	..	1,650	..	..	2,059
Rajshah	..	1	..	1	7	53	..	52	23	..	..	534	..	..	671
Dinajpur	..	1	..	1	9	59	..	55	19	..	..	543	..	..	687
Jalpaiguri	..	1	..	1	5	39	1	33	20	..	..	460	..	..	560
Rangpur	..	2	..	1	10	76	..	63	27	..	..	656	..	..	835
Bogra	..	1	..	..	6	33	..	28	12	..	..	298	..	..	378
Pabna	..	1	..	..	7	53	..	43	21	..	..	472	..	..	597
Malda	..	1	..	1	4	34	..	31	13	..	..	339	..	..	423
Darjeeling	..	1	..	1	6	32	2	24	46	..	..	521	..	..	633
Total ..	..	9	..	6	54	379	3	329	181	..	..	3,823	..	..	4,784
Burdwan	..	1	..	1	10	63	1	68	33	..	..	826	..	..	1,003
Birbhum	..	1	..	1	5	33	..	30	13	..	..	317	..	..	400
Bankura	..	1	..	1	5	37	..	38	21	..	..	476	..	..	579
Midnapore	..	2	3	1	12	103	1	80	48	..	..	994	..	..	1,244
Hooghly	..	1	3	1	10	73	1	54	81	..	..	1,166	..	..	1,390
Howrah	..	1	..	2	9	62	9	49	91	..	..	1,401	..	..	1,624
Total ..	..	7	6	7	51	371	12	319	287	..	..	5,180	..	..	6,240
24-Parganas ..	..	2	2	2	16	133	2	101	135	..	..	1,976	..	..	2,369
Nadia	..	1	..	1	8	66	..	50	39	..	..	756	..	..	921
Murshidabad ..	..	1	..	1	7	52	..	48	44	..	..	740	..	..	893
Jessore	..	1	1	..	8	62	..	54	20	..	..	532	..	..	678
Khulna	..	1	1	..	6	62	..	53	21	..	..	527	..	..	671
Total ..	..	6	4	4	45	375	2	306	259	..	..	4,531	..	..	5,532
Railway Police.															
Govt. Railway police, Howrah	..	1	..	..	6	32	8	24	27	..	..	304	..	..	402
Bengal and Assam Railway, Sealdah	..	1	..	..	5	21	8	22	24	..	..	279	..	..	360
Bengal and Assam Railway, Saidpur	..	1	..	..	4	16	3	19	22	..	..	247	..	..	312
Total ..	..	3	..	..	15	69	19	65	73	..	..	830	..	..	1,074
Port Police	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Police Training College ..	..	1	..	..	8	14	..	17	49	..	..	12	..	..	101
Total ..	..	1	..	..	8	14	..	17	49	..	..	12	..	..	101
Grand Total ..	7	(a) 47	(f)19+ (b)28=47	(c) 31	321	1,896	50	1,622	1,124	..	..	(f) 20,555	..	..	(f)25,672 +(b) 28 =25,700

(a) Excluding 7 officers employed as Deputy Commissioners in the Calcutta Police.
(b) Of the sanctioned strength of 47 Assistant Superintendents, 19 represents the number available for inferior charges and the remaining appointments are intended to provide a reserve for leave, training and deputation.
(c) The sanctioned number of Deputy Superintendents is 31. One post which was kept vacant has been temporarily filled under Government orders.

	Deputy Inspector-General.	Superintendents.
For the Intelligence Branch and the District Intelligence Branches	..	2
For the Intelligence Branch and the District Intelligence Branches (War Emergency) ..	..	1
For Range Reserve Force (unarmed)	..	..
Force for "Agency Functions"	..	..
For duties in other places (including A. R. P. forces)	1	17
Total ..	1	20

(a) Includes 57 Naiks.

D.

of the Civil Police for the year 1943.

Total cost payable from Imperial and Provincial revenues.	Total cost payable from sources other than Imperial and Provincial revenues.	Grand total cost (columns 17 and 18).	Area of districts in square miles.	Population.	Urban population of districts.	Number of police-stations.	Number of outposts.	Proportion of police.		Total number of cognizable crime investigated.	Proportion of cognizable crime investigated to the police force.
								To area.	To population.		
17	18	19	20	21	22	23	24	25	26	27	28
..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	2,738	4,222,143	276,411	35	..	1 to 1·6	1 to 2,436·3	7,888	4·6
..	..	..	6,156	6,023,758	200,038	50	..	1 ,, 3·8	1 ,, 3,675·3	5,719	3·5
..	..	..	2,821	2,888,803	61,343	23	..	1 ,, 3·2	1 ,, 3,256·8	3,008	3·4
..	..	..	3,783	3,549,010	104,572	34	..	1 ,, 3·1	1 ,, 2,969·9	4,402	3·7
..	..	..	15,498	16,683,714	642,364	142	..	1 ,, 2·84	1 ,, 3,058·9	21,017	3·85
..	..	..	2,569	2,153,296	98,246	21	..	1 to 3·06	1 to 2,560·4	4,060	4·8
..	..	..	2,531	3,860,139	124,783	20	..	1 ,, 3·1	1 ,, 4,765·6	3,257	4·02
..	..	..	1,658	2,217,402	23,996	14	..	1 ,, 4·06	1 ,, 5,434·8	2,145	5·3
..	..	..	6,758	8,230,837	247,025	55	..	1 ,, 3·3	1 ,, 3,997·5	9,462	4·6
..	..	..	2,526	1,571,750	61,476	22	..	1 to 3·8	1 to 2,342·4	2,541	3·8
..	..	..	3,953	1,926,833	41,663	30	..	1 ,, 5·8	1 ,, 2,804·7	2,135	3·1
..	..	..	3,050	1,089,513	27,766	17	..	1 ,, 5·4	1 ,, 1,945·6	1,739	3 1
..	..	..	3,606	2,877,847	93,712	30	..	1 ,, 4·3	1 ,, 3,446·5	3,118	3·7
..	..	..	1,475	1,260,463	26,826	13	..	1 ,, 3·9	1 ,, 3,334·6	1,390	3·7
..	..	..	1,836	1,705,072	74,374	17	..	1 ,, 3·07	1 ,, 2,856·07	2,320	3·9
..	..	..	2,004	1,232,618	50,342	15	..	1 ,, 4·7	1 ,, 2,913·9	1,236	2·9
..	..	..	1,192	376,369	58,164	12	..	1 ,, 1·9	1 ,, 594·6	1,867	2·9
..	..	..	19,642	12,040,465	434,323	156	..	1 ,, 4·1	1 ,, 2,516·8	16,346	3·4
..	..	..	2,705	1,890,732	223,154	23	..	1 to 2·7	1 to 1,885·08	4,041	4·03
..	..	..	1,743	1,048,317	60,344	14	..	1 ,, 4·4	1 ,, 2,620·8	1,114	2·8
..	..	..	2,646	1,289,640	91,976	19	..	1 ,, 4·6	1 ,, 2,227·4	1,751	3·02
..	..	..	5,274	3,190,647	188,047	33	..	1 ,, 4·2	1 ,, 2,564·8	5,195	4·2
..	..	..	1,206	1,377,729	282,902	18	..	1 ,, ·9	1 ,, 991·2	2,929	2·1
..	..	..	561	1,490,304	429,689	16	..	1 ,, ·34	1 ,, 917·7	8,190	5·04
..	..	..	14,135	10,287,369	1,276,112	123	..	1 ,, 2·3	1 ,, 1,648·6	23,220	3·7
..	..	..	3,696	3,536,386	863,071	38	..	1 to 1·6	1 to 1,492·8	7,066	2·9
..	..	..	2,879	1,759,846	143,438	25	..	1 ,, 3·1	1 ,, 1,910·8	2,370	2·6
..	..	..	2,063	1,640,530	120,449	21	..	1 ,, 2·3	1 ,, 1,837·1	2,678	2·9
..	..	..	2,925	1,828,216	37,603	23	..	1 ,, 4·3	1 ,, 2,696·5	3,493	5·2
..	..	..	4,805	1,943,218	65,500	22	..	1 ,, 7·2	1 ,, 2,896·0	2,539	3·8
..	..	..	16,368	10,708,196	1,230,061	129	..	1 ,, 2·9	1 ,, 1,935·7	18,146	3·3
..	..	..	..	..	..	10	..	..	..	..	..
..	..	..	..	..	..	13	..	..	..	..	..
..	..	..	..	..	..	12	..	..	..	..	..
..	..	..	..	..	..	35	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..
2,34,99,986 (d)	.. (e)	2,34,99,986	72,401	57,950,581	3,829,885	640	..	1 to 2·82	1 to 2,257·34	88,191	3·44

(*d*) Figures for the financial year as furnished by the Accountant-General are shown here.
(*e*) Under the existing arrangements, Government pay for the Crime Police and the Railways for the Order Police.
(*f*) Includes 219 Naiks.

Deputy Superintendents.	Inspectors.	Sub-Inspectors.	Sergeants.	Assistant Sub-Inspectors.	Head Constables.	Constables.
6	16	52	1	56	23	483
3	5	100	..	15	..	393
..	5	25	..	..	85	(*a*)1,500
..	1	7	..	13	155	1,217
30	77	277	17	177	156	(*b*)1,719
39	104	461	18	261	419	5,312

(*b*) Includes 66 Naiks,

STATEMENT D (1).

Showing the strength and cost of the Eastern Frontier Rifles (Bengal Battalion), Dacca, for the year 1944.

Battalion.	District.	Sanctioned strength of the Eastern Frontier Rifles.									Cost of police.			Vacancies on 31st December 1944.	
		Number of Commandants.	Number of Assistant-Commandants.	Number of Subadars and Jamadars.	Number of Hony Jamaders.	Number of Havildars.	Number of Naiks.	Number of L Naiks Paid.	Number of U P L. Naiks Sepoys & Buglers including Bugle Major.	Total.	Total pay of all ranks.	All other expenditure.	Grand Total.	Officers, British.	Indian Officers, N.C.O.S. & men.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Eastern Frontier Rifles (Bengal Battalion).	Dacca..	1	3	19	1	49	46	39	661	819	Rs. a. p. 2,60,029 5 0	Rs. a. p. 4,49,413 4 0	Rs. a. p. 7,09,442 9 0	1	285 (including 252 of all ranks transferred to the Army Deptt).
	Total..	1	3	19	1	49	46	39	661	819	2,60,029 5 0	4,49,413 4 0	7,09,442 9 0	1	..

STATEMENT F.

STATEMENT

Showing equipment, discipline and general internal

Districts.	Total strength.				Armament of the force.			Punishment.											
	Sanctioned.*		Actual.*					Dismissed.		Punished departmentally otherwise than by dismissal. (e).		Punishmed judicially by a Magistrate or Sessions Court.							
												Under Police Act.		Under sections 330, 331 and 338, Indian Penal Code.		Under Chapter IX of Indian Penal Code.		Other offences.	
	Officers.	Men.	Officers.	Men.	Number of rifles.	Number of smooth-bores.	Number of revolvers.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Dacca ..	142	1,584	118	1,552	..	533	138	..	24	1	36	..	6	..	..	..	..	..	..
Mymensingh ..	162	1,471	123	1,455	..	600	93	..	15	4	18	..	2	..	..	..	2	..	..
Faridpur ..	77	806	59	801	..	374	51	..	2	3	24	..	..	..	..	..	..	..	..
Bakarganj ..	115	1,075	93	1,069	..	478	52	..	6	4	13	..	1	..	..	..	..	..	1
Total ..	496	4,936	393	4,877	..	1,985	334	..	47	12	91	..	9	..	..	..	2	..	1
Chittagong ..	65	774	57	773	..	511	90	..	8	2	32	..	22	..	1	..	..	..	14
Tippera ..	71	735	53	722	..	322	59	..	8	2	18	..	2	..	..	..	..	..	..
Noakhali ..	37	368	33	365	..	196	25	..	11	..	23	..	4	..	2	..	..	..	3
Total ..	173	1,877	143	1,860	..	1,029	174	..	27	4	73	..	28	..	3	..	..	..	17
Rajshahi ..	60	609	49	607	..	280	29	..	1	1	8	..	1	..	..	..	..	..	..
Dinajpur ..	68	617	58	617	..	298	21	..	3	..	5	..	1	..	..	..	..	..	1
Jalpaiguri ..	45	513	37	548	..	315	27	..	4	..	11	..	..	..	..	..	..	..	..
Rangpur ..	86	746	65	737	..	356	43	..	2	5	20	..	7	..	3	..	..	..	..
Bogra ..	39	338	33	379	..	165	20	..	1	1	6	..	1	..	..	..	..	..	..
Pabna ..	60	536	47	530	..	236	30	..	1	..	2	..	..	..	..	..	..	..	..
Malda ..	38	383	31	411	..	180	20	..	1	2	4	..	..	..	..	..	..	..	..
Darjeeling ..	40	591	34	589	..	216	36	..	2	1	1	..	1	..	..	..	..	..	..
Total ..	436	4,333	354	4,418	..	2,046	226	..	15	10	57	..	11	..	3	..	..	..	1
Burdwan ..	74	927	61	904	..	406	36	..	..	1	4	..	1	..	..	..	..	..	..
Birbhum ..	38	360	30	349	..	203	23	..	1	4	13	..	1	..	1	..	..	..	..
Bankura ..	42	535	33	519	..	228	23	..	11	1	10	..	1	..	1	..	..	..	..
Midnapore ..	116	1,122	88	1,083	..	484	87	1	12	5	12	..	4	1	1	..	..	..	..
Hooghly ..	84	1,301	66	1,266	..	409	44	1	16	2	26	..	2	..	..	..	..	..	4
Howrah ..	80	1,541	66	1,298	..	453	36	..	23	..	45	..	36	..	..	..	..	..	..
Total ..	434	5,786	344	5,419	..	2,183	249	2	63	13	110	..	45	1	3	..	..	..	4
24-Parganas ..	151	2,212	130	2,172	..	810	57	..	12	2	24	..	10	..	..	..	..	..	..
Nadia ..	74	845	59	815	..	318	29	..	25	4	6	..	3	..	..	..	1	..	2
Murshidabad ..	59	832	44	796	..	274	32	..	12	3	17	..	4	..	..	..	..	..	..
Jessore ..	70	606	55	592	..	296	24	..	19	..	9	..	1	..	14	..	..	..	1
Khulna ..	68	601	52	601	..	296	42	..	2	..	2	..	1	..	1	..	..	..	..
Total ..	422	5,096	340	4,976	..	1,994	184	..	70	9	58	..	19	..	15	..	1	..	3
Criminal Investigation Department and Intelligence Branch	161	201	179	208	..	96	564	..	4	..	2	..	..	..	..	..	..	..	..
Inspector-General's Office ..	..	26	..	26	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bengal and Assam Railway, Saidpur	23	288	18	281	..	..	30	..	5	..	3	..	..	..	..	..	..	..	1
Bengal and Assam Railway, Sealdah	34	325	28	322	..	..	32	..	..	3	7	..	..	..	..	..	..	..	..
East Indian Railway, Howrah ..	46	355	37	343	..	..	9	..	17	4	7	..	1	..	..	..	..	..	13
Total ..	264	1,195	262	1,180	..	96	635	..	26	7	19	..	1	..	..	..	..	..	14
Port Police ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Police Training College, Sardah ..	22	78	20	72	..	750	40	..	..	..	2	..	..	..	..	..	..	..	..
Total ..	22	78	20	72	..	750	40	..	..	..	2	..	..	..	..	..	..	..	..
Grand Total ..	2,247	23,301 (a)	1,856	22,802 (a)	..	10,083 (b)	1,842	2	248	55	410	..	113	1	24	..	3	..	40

*Excluding superior officers of and above the rank of Deputy Superintendents of Police. Does not tally with the figures in column 16 of Statement D which includes them.

(a) Includes 1,622 Assistant Sub-Inspectors.

(b) The total number, *viz.*, 10,083, tallies with the total number shown in armament statement for 1943. The number includes 32 confiscated guns sanctioned for the use of the police.

E.

management of the civil police for the year 1943.

Rewards.		Education.		Number of constables.					Number who have left the force during the year.						Percentage on total actual strength of—		
Rewarded during the year.		Number who can read and write.															
By promotion.	By khillats, presents, good service marks or money rewards.	Officers.	Men.	Number enlisted during the year.	Of 1 year's and under 3 years' service.	Of 3 years' and under 10 years' service.	Of 10 years' and under 17 years' service.	Of 17 years' service and over.	On pension or gratuity.	By resignation without pension or gratuity.	By dismissal.	By discharge other than under the preceding columns.	By desertion.	By death.	Admission into hospital.	Daily average number of men absent from duty on account of sickness.	Deaths.
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
..	1,248	118	1,552	326	102	430	512	346	61	7	24	68	8	21	82·6	·7	1·2
..	558	123	1,440	290	443	108	464	366	91	..	15	14	17	18	85·2	·8	1·1
..	371	59	801	82	86	243	169	204	20	2	2	7	6	11	73·9	·3	1·2
..	346	93	1,011	104	96	283	264	302	31	..	6	..	..	7	51·8	·2	·6
..	2,523	393	4,804	802	727	1,064	1,409	1,218	203	9	47	89	31	57	75·2	·5	1·1
..	588	57	773	42	78	263	210	132	31	..	8	..	..	19	149·7	1·3	2·04
..	403	53	722	109	292	213	189	178	34	3	8	15	5	8	111·3	·7	1·03
..	437	33	365	147	37	101	34	150	15	1	11	26	..	2	104·7	·3	·5
..	1,428	143	1,860	298	407	577	433	460	80	4	27	41	5	29	125·9	·7	1·4
..	566	49	607	18	72	153	166	201	12	..	1	5	..	6	78·4	·3	·9
..	704	58	617	37	50	179	146	168	15	4	3	5	..	6	53·1	·1	·8
..	279	37	548	26	107	155	159	85	10	4	4	4	3	10	86·3	·3	1·07
..	491	65	733	367	61	199	189	198	19	1	2	16	3	8	109·5	·07	·9
..	460	33	379	23	51	99	104	67	11	19	1	9	1	..	60·1	·1	..
..	331	47	530	56	25	155	164	122	13	5	1	..	..	6	90·9	3·6	1·03
..	237	31	411	48	61	130	97	84	28	6	1	9	4	5	152·0	·7	1·1
..	496	34	589	14	96	118	145	182	13	3	2	..	1	7	28·0	·6	1·1
..	3,564	354	4,414	589	523	1,188	1,170	1,107	121	42	15	48	12	48	82·3	·72	1·0
..	391	61	904	79	78	250	266	223	16	31	..	27	3	6	118·3	·1	·6
..	163	30	343	75	42	92	90	28	27	4	1	2	..	1	139·0	·5	·2
..	317	33	519	55	69	115	119	161	24	..	11	12	6	4	86·9	·003	·7
..	419	88	1,083	131	238	285	315	269	49	2	13	28	3	7	93·2	·007	·5
..	775	66	1,260	148	140	310	405	411	58	7	17	27	10	17	119·8	·1	1·2
..	847	66	1,298	115	244	412	391	343	35	13	23	30	29	17	45·9	·1	1·2
..	2,912	344	5,407	603	811	1,464	1,586	1,435	209	57	65	126	51	52	94·8	·14	·9
..	1,410	130	2,172	165	240	620	560	552	61	44	12	61	..	16	94·8	1·5	·6
..	549	59	815	47	204	177	239	195	33	7	25	27	3	7	102·9	2·8	·8
..	331	44	796	74	105	165	61	378	21	24	12	15	2	8	75·9	·3	·9
..	347	55	587	90	104	119	176	125	35	7	19	17	..	6	149·6	1·07	·9
..	573	52	601	61	102	161	175	102	9	9	2	3	1	3	60·9	·02	·4
..	3,210	340	4,971	437	755	1,242	1,211	1,352	159	91	70	123	6	40	95·7	1·13	·7
..	425	179	208	..	1	145	238	160	17	..	4	..	..	4	23·7	·007	1·03
..	..	..	26	..	..	9	11	6	..	..	..	..	..	..	30·7	·01	..
..	224	18	279	20	33	65	53	80	15	4	5	1	..	5	36·4	·03	1·6
..	337	28	322	9	14	71	74	117	5	..	..	1	1	2	42·2	1·4	·5
..	278	37	343	9	23	84	72	113	9	3	17	5	..	4	32·3	·007	1·05
..	1,264	262	1,178	38	71	374	448	476	46	7	26	7	1	15	33·2	·3	1·04
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..		
..	15	20	72	..	..	2	10	..	2	..	..	..	..	..	61·9	·7	..
..	15	20	72	..	..	2	10	..	2	..	..	..	..	..	61·9	·7	..
..	14,916	1,856(c)	22,706(d)	2,767	3,294	5,911	6,267	6,048	820	210	250	434	106	241	87·3	·6	·8

(c) The total number, *viz.*, 1,842, tallies with the total number shown in the armament statement for 1943.

(d) This includes constables of three years' and under seven years' and under ten years' service.

(e) Includes black marks, warnings and punishments of summary nature.

STATEMENT

Showing the strength and cost of the village watch in several districts

Serial No.	Subdivisions	Number of chaukidars under Act VI (B.C.) of 1870 and Bengal Act V of 1913	Number of other chaukidars	Number of dafadars	Total number of chaukidars and dafadars	Total cost of chaukidars and dafadars	Number punished during the year. For neglect of duty.	Number punished during the year. For substantive offences, such as theft, etc.
1	2	3	4	5	6	7	8	9
						Rs. a. p.		
1	Dacca	1,026	..	113	1,137	34,620 0 0	..	..
2	Narayanganj	902	..	88	988	72,930 0 0	..	..
3	Munshiganj	590	..	71	661	57,825 0 0	..	..
4	Manikganj	522	..	84	606	52,150 0 0	..	..
	Total	3,044	..	356	3,390	2,66,235 0 0	..	..
5	Mymensingh	1,832	..	225	1,857	1,61,944 0 0	..	..
6	Jamalpur	966	..	125	1,091	1,04,736 0 0	..	..
7	Tangail	1,192	..	121	1,313	1,26,960 0 0	..	..
8	Netrakona	1,057	..	124	1,181	1,16,352 0 0	..	..
9	Kishoreganj	1,193	..	128	1,321	98,184 0 0	..	..
	Total	6,040	..	723	6,763	6,08,176 0 0	..	..
10	Faridpur	899	..	107	998	74,460 0 0	..	..
11	Gopalganj	571	..	82	653	59,641 1 6	..	..
12	Madaripur	432	..	71	503	46,186 7 0	..	..
13	Shariatpur	1,158	..	134	1,292	1,18,513 5 6	..	..
	Total	2,860	..	394	3,254	2,98,800 14 0	..	..
14	Barisal	2,085	..	186	2,271	24,893 0 0	..	..
15	Pirojpur	1,460	..	135	1,595	1,00,469 0 0	..	..
16	Patuakhali	1,296	..	122	1,418	86,544 0 0	..	..
17	Bhola	571	..	50	621	41,470 0 0	1	..
	Total	5,412	..	493	5,905	2,53,376 0 0	1	..
18	Chittagong	1,889	..	258	2,149	1,31,916 0 0	6	..
19	Cox's Bazar	307	..	42	347	22,650 0 0	..	..
	Total	2,196	..	300	2,496	1,54,566 0 0	6	..
20	Comilla	1,210	..	230	1,440	1,33,968 15 0	81	1
21	Brahmanbaria	721	..	123	844	77,352 0 0	3	..
22	Chandpur	568	..	94	662	4,122 0 0	..	..
	Total	2,499	..	447	2,946	2,15,442 15 0	84	1
23	Noakhali	1,250	..	171	1,421	1,08,804 15 0	..	..
24	Feni	497	..	37	534	40,071 1 0	..	..
	Total	1,747	..	208	1,955	1,48,876 0 0	..	..
25	Rajshahi	981	..	100	1,081	79,488 0 0	8	..
26	Naogaon	880	..	78	958	76,178 13 3	..	..
27	Nator	684	..	66	750	55,584 0 0	..	..
	Total	2,545	..	244	2,789	2,11,250 13 3	8	..

H.

of the Province with figures of rewards and punishments during the year 1943.

Number dismissed including departmental dismissals.	Number fined departmentally.	Percentage of chaukidars punished (columns 8, 9, 10 and 11 to column 6).	Number rewarded by judicial officers, in Arms Act, Excise cases, etc.	Total amount distributed in rewards (excluding payments from the Chaukidari Reward Fund).	Number departmentally rewarded.	Percentage of chaukidars rewarded (columns 13 and 15 to column 6).	Total amount distributed in rewards, etc., from the Chaukidari Reward Fund.	Total receipts from all sources, including balance from the previous year.	Balance in hand at the close of the year.
10	11	12	13	14	15	16	17	18	19
				Rs. a. p.			Rs. a. p.	Rs. a. p.	Rs. a. p.
..	312	27·4	..	..	70	6·1			
..	276	27·7	..	..	53	5·3	536 0 0	618 5 8	82 5 8
..	230	34·8	..	..	62	9·3			
..	192	32·6	..	..	53	9·0			
..	1,010	29·8	..	..	238	07·0	536 0 0	618 5 8	82 5 8
..	207	11·1	..	305 12 0	181	9·7			
27	499	45·0	..	70 7 0	70	6·4			
2	135	10·2	..	319 12 0	126	9·5	1,565 0 0	2,035 2 2	470 2 2
..	447	37·8	..	158 10 0	115	9·7			
18	178	13·4	..	175 5 0	96	7·2			
22	1,466	21·7	..	1,029 14 0	588	8·7	1,565 0 0	2,035 2 2	470 2 2
2	113	14·0	..	..	26	3·22			
4	114	17·4	..	..	43	6·60	482 2 0	2,160 8 5	1,678 6 5
2	17	3·7	..	..	32	6·36			
4	775	60·3	..	..	245	18·96			
12	1,019	31·6	..	..	346	10·6	482 2 0	2,160 8 5	1,678 6 5
7	109	5·1	..	..	46	2·07			
15	485	31·3	..	..	65	4·0	956 4 0	2,481 0 5	1,524 12 5
10	277	20·2	..	..	24	1·8			
..	13	2·0	..	..	34	5·7			
32	884	15·5	..	..	169	2·8	956 4 0	2,481 0 5	1,524 12 5
5	495	23·2	..	..	282	13·0	33,307 0 0	47,145 4 8	13,838 4 8
17	128	41·80	..	..	33	9·5			
22	623	25·80	..	..	315	12·6	33,307 0 0	47,145 4 8	13,838 4 8
16	155	17·5	..	100 0 0	103	7·1			
1	140	17·0	..	..	31	3·6	20,037 10 0	20,779 8 11	741 14 11
38	52	13·6	..	17,242 0 0	..	..			
55	347	16·5	..	17,342 0 0	134	4·5	20,037 10 0	20,779 8 11	741 14 11
17	279	20·8	..	..	96	6·7			
5	37	7·8	..	..	117	22·	33,854 15 0	44,435 7 5	10,580 8 5
22	316	17·2	..	..	213	10·8	33,854 15 0	44,435 7 5	10,580 8 5
5	365	35·1	..	..	37	3·4			
3	110	11·7	..	..	90	9·4	1,013 12 0	1,014 1 3	0 5 3
..	476	63·4	..	..	65	8·6			
8	951	34·6	..	..	192	6·8	1,013 12 0	1,014 1 3	0 5 3

STATEMENT

Showing the strength and cost of the village watch in several districts

Serial No.	Subdivisions.	Number of chaukidars under Act VI (B.C.) of 1870 and Bengal Act V of 1919.	Number of other chaukidars.	Number of dafadars.	Total number of chaukidars and dafadars.	Total cost of chaukidars and dafadars.	Number judicially punished.	
							For neglect of duty.	For substantive offences, such as theft, etc.
1	2	3	4	5	6	7	8	9
						Rs. a. p.		
28	Dinajpur	1,374	..	223	1,597	1,39,500 0 0	..	..
29	Thakurgaon	1,213	..	170	1,383	1,20,252 0 0	..	..
30	Balurghat	796	..	163	959	81,717 0 0	..	..
	Total ..	3,383	..	556	3,939	3,41,469 0 0	..	..
31	Jalpaiguri	1,023	..	113	1,136	14,780 0 0	244	..
32	Alipur Duars	246	..	31	277	23,675 0 0	..	..
	Total ..	1,269	..	144	1,413	38,455 0 0	244	..
33	Rangpur	1,171	..	129	1,300	96,588 0 0	..	..
34	Nilphamari	927	..	100	1,027	76,578 0 0	..	..
35	Kurigram	879	..	92	971	86,676 0 0	..	..
36	Gaibandha	935	..	93	1,028	76,248 0 0	3	..
	Total ..	3,912	..	414	4,326	3,36,090 0 0	3	..
37	Bogra	1,441	..	188	1,629	1,69,011 0 0	..	..
38	Pabna	858	..	97	955	96,913 7 6	..	..
39	Serajganj	1,078	..	128	1,206	93,687 0 0	..	..
	Total ..	1,936	..	225	2,161	1,90,600 7 6	..	..
40	Malda	1,308	..	179	1,487	1,51,394 9 0	..	..
41	Siliguri (Darjeeling)	142	..	24	166	15,236 0 0	..	..
42	Burdwan	1,257	181	97	1,535	1,15,908 0 0	..	..
43	Asansol	678	5	62	745	56,773 0 0	..	..
44	Kalna	356	..	40	396	34,224 0 0	..	..
45	Katwa	453	..	53	506	39,788 0 0	..	..
	Total ..	2,744	186	252	3,182	2,46,693 0 0	..	..
46	Birbhum	1,453	..	128	1,581	1,66,783 1 6	1	1
47	Rampurhat	792	..	64	856	63,312 0 0	31	..
	Total ..	2,245	..	192	2,437	2,30,095 1 6	32	1
48	Bankura	1,318	..	139	1,457	1,06,080 0 0	..	..
49	Bishnupur	583	..	74	657	51,322 5 0	..	..
	Total ..	1,901	..	213	2,114	1,57,402 5 0	..	..
50	Midnapore	1,803	..	167	1,970	1,50,074 2 0	..	..
51	Contai	1,152	..	87	1,239	43,110 0 0	..	..
52	Tamluk	1,184	..	98	1,282	82,710 0 0	3	2
53	Ghatal	575	..	54	629	23,202 0 0	176	..
54	Jhargram	633	101	77	811	23,392 12 0	..	..
	Total ..	5,347	101	483	5,931	3,22,488 14 0	179	2

H—*continued.*

of the Province with figures of rewards and punishments during the year 1943.

Number dismissed including departmental dismissals.	Number fined departmentally.	Percentage of chaukidars punished (columns 8, 9, 10 and 11 to column 6).	Number rewarded by judicial officers, in Arms Act, Excise, cases, etc.	Total amount distributed in rewards (excluding payments from Chaukidari Reward Fund).	Number departmentally rewarded.	Percentage of chaukidars rewarded (columns 13 and 15 to column 6).	Total amount distributed in rewards, etc., from the Chaukidari Reward Fund.	Total receipts from all sources, including balance from the previous year.	Balance in hand at the close of the year.
10	11	12	13	14	15	16	17	18	19
				Rs. a. p.			Rs. a. p.	Rs. a. p.	Rs. a. p.
12	1,546	97·5	..	..	227	14·2	1,194 0 0	2,372 2 3	1,178 2 3
3	827	60·0	..	..	94	6·7			
4	564	59·2	..	..	233	24·3			
19	2,937	75·0	..	..	554	14·0	1,194 0 0	2,372 2 3	1,178 2 3
22	288	48·7	..	306 8 0	121	10·6	868 9 0	1,019 6 11	150 13 11
2	131	48·0	..	..	33	11·9			
24	419	48·6	..	306 8 0	154	10·8	868 9 0	1,019 6 11	150 13 11
8	456	35·7	..	..	94	7·2	1,227 0 0	1,477 8 10	250 8 10
11	535	53·1	..	..	..	..			
19	420	45·2	..	..	49	5·0			
10	136	14·4	..	75 0 0	68	6·6			
48	1,547	36·9	..	75 0 0	211	4·8	1,227 0 0	1,477 8 10	250 8 10
19	772	48·5	..	..	197	12·0	816 4 0	1,088 12 7	272 8 7
3	857	90·0	..	..	..	..	925 0 0	1,524 8 6	599 8 6
..	909	75·3	..	..	7	·5			
3	1,766	81·8	..	..	7	·3	925 0 0	1,524 8 6	599 8 6
3	226	15·4	..	..	296	19·9	810 0 0	1,282 13 0	472 13 0
..	..	..	..	..	..	..	65 0 0	503 6 3	438 6 3
7	109	7·5	..	..	52	3·3	677 8 0	1,508 15 4	831 7 4
21	131	20·4	..	..	50	6·7			
1	62	15·9	..	..	9	2·2			
..	..	..	..	..	75	14·8			
29	302	10·4	..	..	186	5·8	677 8 0	1,508 15 4	831 7 4
5	326	21·0	247	433 0 0	60	19·4	386 5 0	586 10 6	200 5 6
..	3	3·9	34	75 0 0	..	3·9			
5	329	15·0	281	508 0 0	60	13·9	386 5 0	586 10 6	200 5 6
6	330	23·0	..	..	82	5·6	228 2 0	1,258 0 10	1,029 14 10
2	98	15·2	..	..	1	·1			
8	428	20·6	..	..	83	3·9	228 2 0	1,258 0 10	1,029 14 10
10	363	18·9	7	105 0 0	341	17·6	497 2 0	566 3 2	69 1 2
17	438	36·7	9	8 0 0	190	16·0			
14	195	16·6	3	1 12 0	24	2·1			
..	199	59·6	3	4 8 0	4	1·1			
..	247	30·4	1	3 0 0	..	·1			
41	1,442	28·0	23	122 4 0	559	9·8	497 2 0	566 3 2	69 1 2

STATEMENT

Showing the strength and cost of the village watch in several districts

Serial No.	Subdivisions.	Number of chaukidars under Act VI (B.C.) of 1870 and Bengal Act V of 1919.	Number of other chaukidars.	Number of dafadars.	Total number of chaukidars and dafadars.	Total cost of chaukidars and dafadars.	Number judicially punished.	
							For neglect of duty.	For substantive offences, such as theft, etc.
1	2	3	4	5	6	7	8	9
						Rs. a. p.		
55	Hooghly	574	..	53	627	47,693 5 3	..	..
56	Serampore	534	..	54	588	45,100 14 0	..	..
57	Arambagh	555	..	47	602	3,706 0 0	..	..
	Total ..	1,663	..	154	1,817	96,500 3 3	..	..
58	Howrah	348	..	34	382	32,418 0 0	..	..
59	Uluberia	575	..	50	625	55,237 0 0	..	..
	Total ..	923	..	84	1,007	87,655 0 0	..	..
60	24-Parganas	917	..	88	1,005	64,240 0 0	..	..
61	Barrackpore	65	..	9	74	7,298 0 0	..	..
62	Baraset	347	..	48	395	30,894 0 0	..	..
63	Basirhat	522	..	49	571	42,288 0 0	..	..
64	Diamond Harbour	967	..	96	1,063	82,752 13 0	514	2
	Total ..	2,818	..	290	3,108	2,27,472 13 0	514	2
65	Nadia	447	..	49	496	38,262 0 0	..	..
66	Kushthia	615	..	79	694	65,187 0 0	..	..
67	Chuadanga	450	..	61	511	40,257 0 0	..	..
68	Meherpur	474	..	51	525	63,305 0 0	5	2
69	Ranaghat	406	..	50	456	35,656 0 0	..	..
	Total ..	2,392	..	290	2,682	2,42,667 0 0	5	2
70	Murshidabad	621	..	55	676	43,512 10 9	..	..
71	Lalbag	426	..	42	468	34,053 6 9	..	..
72	Kandi	510	..	46	556	42,235 1 6	..	..
73	Jangipore	387	..	35	422	32,380 8 0	10	1
	Total ..	1,944	..	178	2,122	1,52,181 11 0	10	1
74	Jessore	779	..	70	849	77,341 8 0	..	3
75	Jhenidah	611	..	57	668	58,296 0 0	..	..
76	Narail	452	..	44	496	46,992 0 0	..	..
77	Magura	316	..	41	357	32,216 8 0	..	..
78	Bongaon	527	..	55	582	54,756 13 0	..	..
	Total ..	2,685	..	267	2,952	2,69,602 13 0	..	3
79	Khulna	435	..	62	497	53,346 0 0	..	..
80	Bagerhat	733	..	68	801	57,457 13 9	150	..
81	Satkhira	718	..	74	792	88,200 0 0	..	..
	Total ..	1,886	..	204	2,090	1,99,003 13 9	150	..
	Grand Total ..	65,550	1,019	7,482	74,051	56,32,742 5 3	1,236	12

H—*concluded.*

of the Province with figures of rewards and punishments during the year 1943.

Number dismissed including departmental dismissals.	Number fined departmentally.	Percentage of chaukidars punished (columns 8, 9, 10 and 11 to column 6).	Number rewarded by judicial officers, in Arms Act, Excise cases, etc.	Total amount distributed in rewards (excluding payments from the Chaukidari Reward Fund).	Number departmentally rewarded.	Percentage of chaukidars rewarded (columns 13 and 15 to column 6).	Total amount distributed in rewards, etc., from the Chaukidari Reward Fund.	Total receipts from all sources, including balance from the previous year.	Balance in hand at the close of the year.
10	11	12	13	14	15	16	17	18	19
				Rs. a. p.			Rs. a. p.	Rs. a. p.	Rs. a. p.
..	73	11·6	..	..	..	..	313 2 0	983 4 10	670 2 10
..	16	2·7	..	..	..	..			
1	58	9·7	..	..	4	·6			
1	147	8·1	..	..	4	·2	313 2 0	983 4 10	670 2 10
3	30	8·6	..	..	177	46·3	327 10 0	554 2 9	226 8 9
3	65	1·8	31	37 0 0	38	11·0			
6	95	10·0	31	37 0 0	215	24·4	327 10 0	554 2 9	226 8 9
60	630	68·5	..	..	6	·5			
..	2	2·7	..	..	..	..			
392	..	99·2	..	25 0 0	6	1·5	46,630 12 0	46,721 11 7	90 15 7
11	89	17·5	..	..	55	9·6			
15	366	65·5	..	..	11	1·0			
478	1,087	66·9	..	25 0 0	78	2·5	46,630 12 0	46,721 11 7	90 15 7
..	52	1·4	..	..	13	2·6			
1	110	15·9	..	..	39	5·6			
1	219	43·0	..	..	27	5·2	820 9 0	934 5 11	113 12 11
3	15	4·7	..	..	11	2·0			
1	96	21·0	..	..	45	9·8			
6	492	18·8	..	..	135	5·0	820 9 0	934 5 11	113 12 11
8	381	57·5	..	..	..	..			
4	160	35·0	..	..	..	..			
11	151	29·1	..	..	12	2·1	243 13 6	278 2 3	34 4 9
23	211	58·0	..	..	44	10·4			
46	903	45·2	..	..	56	2·6	243 13 6	278 2 3	34 4 9
14	258	32·3	..	200 0 0	180	21·2			
11	169	26·9	..	..	182	27·2			
9	169	35·8	..	..	169	34·0	2,080 2 0	4,645 7 1	2,565 5 1
11	237	69·4	..	..	132	36·9			
15	490	86·7	..	..	196	33·6			
60	1,323	46·9	..	200 0 0	859	29·0	2,080 2 0	4,645 7 1	2,565 5 1
5	162	33·6	2	2 0 0	31	6·6			
2	48	6·2	49	110 0 0	..	6·1	360 0 0	409 6 5	49 6 5
..	75	9·4	..	..	15	1·8			
7	285	21·1	51	112 0 0	46	4·6	360 0 0	409 6 5	49 6 5
976	21,116	31·5	386	19,757 10 0	5,895	8·4	1,50,223 9 6	1,88,384 7 11	38,160 14 5

STATEMENT I.

Quinquennial statement showing true cases of serious crime, 1943.

Years-	Rioting [serial No. 9, statement A.I.].	Murder [serial No. 11].	Culpable homicide [serial No, 13].	Administering stupefying drugs [serial No, 19].	Dacoity [serial No, 25].	Robbery [serial No, 26].	House breaking (serial Nos, 29 and 38).	Theft, ordinary [serial No, 33].	Theft, cattle [serial No, 33].	Receiving stolen property (serial No, 35].
1	2	3	4	5	6	7	8	9	10	11
Quinquennial average of the preceding five years from 1938 to 1942.	989·4	554·2	349·2	29·4	806·8	499	30,447·2	19,196·8	879·2	2,267·4
1938	989	476	291	24	584	400	32,763	21,446	942	1,741
1939	1,156	515	330	34	725	496	36,827	25,101	1,053	2,309
1940	746	555	349	29	615	469	26,103	15,444	869	2,194
1941	1,117	617	363	16	824	508	28,676	17,428	855	2,526
1942	939	608	413	34	1,286	622	27,867	16,565	677	2,567
Total ..	4,947	2,771	1,746	137	4,034	2,495	152,236	95,984	4,396	11,337
1943	1,372	762	434	18	5,924	1,152	37,725	23,273	871	3,579

STATEMENT J.

Remands, 1943.

Names of districts.	Number of charge-sheets sent up.	Number of charge-sheets disposed of at first hearing.	Number of charge-sheets remanded once.	Number of charge-sheets remanded twice.	Number of charge-sheets remanded thrice.	Number of charge-sheets remanded four times.	Number of charge-sheets remanded five times.	Number of charge-sheets remanded six times.	Number of charge-sheets remanded more than six times.	Percentage of cases decided on first two hearings, 1942.	Percentage of cases decided on first two hearings, 1943.	Cases pending before Magistrate at the close of the year.
1	2	3	4	5	6	7	8	9	10	11	12	13
24-Parganas ..	2,614	416	323	253	185	130	128	95	278	39·9	28·2	806
Nadia	1,011	214	130	89	102	54	50	42	99	45·3	34·0	231
Murshidabad ..	717	4	84	102	70	66	58	40	121	17·4	12·2	172
Jessore	1,054	171	89	99	93	82	68	54	97	47·4	24·6	301
Khulna	1,018	179	56	47	46	62	61	46	161	33·5	23·0	360
Total ..	6,414	984	682	590	496	394	365	277	756	38·3	25·9	1,870
Burdwan	1,252	238	144	162	123	85	60	28	67	41·4	30·5	345
Birbhum	378	8	50	69	53	52	35	21	20	18·1	15·3	70
Bankura	592	102	59	45	36	24	20	9	24	51·1	27·2	273
Midnapore	1,423	254	130	86	86	70	54	56	112	43·07	26·9	575
Hooghly	1,101	233	153	66	53	35	25	20	42	45·7	34·7	474
Howrah	1,573	399	150	273	117	77	57	32	78	49·5	34·9	390
Total ..	6,319	1,234	686	701	468	343	251	166	343	43·7	30·3	2,127
Rajshahi	761	181	83	87	72	63	49	27	70	48·7	34·6	129
Dinajpore	852	176	76	62	35	35	38	26	99	43·2	28·4	305
Jalpaiguri	685	133	97	71	38	39	41	33	43	57·1	33·5	190
Rangpur	1,166	221	130	94	71	76	68	49	75	47·1	30·1	382
Bogra	674	79	67	45	52	71	46	37	45	30·3	21·6	232
Pabna	760	113	64	44	44	37	23	21	37	41·08	23·3	377
Malda	595	99	78	56	44	55	30	29	50	46·6	23·7	154
Darjeeling	585	289	99	50	40	43	11	9	12	67·6	66·3	32
Total ..	6,078	1,291	694	509	396	419	306	231	431	48·2	32·6	1,801
Dacca	2,404	337	243	189	129	120	92	102	177	42·8	24·1	1,015
Mymensingh ..	2,443	390	262	208	140	108	98	90	289	42·7	26·6	858
Faridpur	1,498	135	118	126	98	80	73	68	161	25·3	16·8	639
Total ..	6,345	862	623	523	367	308	263	260	627	39·3	23·4	2,512
Bakarganj	2,016	173	93	162	231	167	92	82	166	26·1	13·1	850
Tippera	1,504	..	219	127	109	106	67	58	207	25·1	14·5	611
Noakhali	1,036	233	104	91	74	58	55	40	49	31·8	32·5	332
Chittagong ..	1,137	328	148	93	78	58	22	32	53	43·5	41·8	325
Total ..	5,693	734	564	473	492	389	236	212	475	30·9	22·8	2,118
Grand Total	30,849	5,105	3,249	2,796	2,219	1,853	1,421	1,146	2,632	40·2	27·08	10,428

STATEMENT

Showing the number of burglaries and thefts and the percentage of abstention

District.	Number of cases of house-breaking (serial No. 29) reported (column 5 of A-I).		Percentage not enquired into.		Number of cases of thefts ordinary (serial No. 33) reported (column 5 of A-I).		Percentage not enquired into.		Number of proceedings under section 110, Criminal Procedure Code, pending at the beginning of the year.		Number of proceedings under section 110, Criminal Procedure Code, instituted during the year.		Number of proceedings under section 110, Criminal Procedure Code, disposed of during the year.	
	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
24-Parganas	1,412	1,804	12·7	19·7	1,469	2,068	6·8	11·2	15	7	11	11	19	8
Nadia	891	1,005	12·0	10·9	568	751	8·9	9·5	7	4	10	15	13	11
Murshidabad	960	1,375	15·6	20·8	564	794	10·0	11·3	7	9	15	34	13	27
Jessore	1,067	2,093	12·4	23·0	457	777	10·5	16·7	5	5	24	15	24	13
Khulna	939	1,369	14·0	23·6	570	801	14·0	18·1	3	5	18	13	16	9
Total ..	5,269	7,646	13·3	20·4	3,628	5,191	9·4	13·0	37	30	78	88	85	68
Burdwan	961	1,470	17·6	34·2	1,504	2,297	18·0	24·1	2	2	10	9	10	5
Birbhum	171	535	5·2	28·2	211	442	11·8	26·0	3	2	5	2	6	4
Bankura	373	499	10·7	32·0	369	754	15·9	24·1	4	..	4	..	8	..
Midnapore	1,222	2,069	13·1	50·6	1,229	1,662	19·7	28·3	2	1	7	6	8	4
Hooghly	865	1,192	15·2	17·9	730	1,100	13·0	13·3	1	5	6	11	2	11
Howrah	452	904	9·2	17·0	947	1,881	6·0	14·7	1	..	..	8	1	3
Total ..	4,044	6,669	13·6	33·4	4,990	8,136	15·0	21·4	13	10	32	36	35	27
Rajshahi	1,163	1,236	18·8	16·7	616	697	16·2	11·7	5	1	10	28	14	16
Dinajpur	844	863	12·2	11·7	724	849	14·3	13·7	3	2	11	13	12	10
Jalpaiguri	606	668	5·9	12·4	427	467	8·6	12·8	1	1	6	8	6	8
Rangpur	1,494	1,806	8·7	18·8	510	758	12·7	18·7	5	6	46	41	45	42
Bogra	389	580	9·5	14·3	278	452	9·7	16·5	8	2	14	31	20	17
Pabna	1,212	1,549	7·0	17·8	471	661	9·9	14·0	7	6	18	7	19	7
Malda	299	527	11·3	8·1	270	346	8·1	11·2	2	4	16	24	14	18
Darjeeling	184	247	3·8	5·6	435	524	4·8	4·9	..	..	..	..	..	..
Total ..	6,191	7,476	10·5	15·3	3,731	4,754	11·3	13·3	31	22	121	152	130	118
Dacca	3,973	5,271	21·0	36·5	1,807	2,439	21·2	30·3	6	20	54	41	40	40
Mymensingh	3,096	3,795	15·8	26·0	1,017	1,417	15·1	21·0	3	9	34	29	28	24
Faridpur	1,041	1,983	7·9	26·5	418	684	5·7	17·5	8	..	16	8	24	5
Total ..	8,110	11,049	17·2	31·2	3,242	4,548	17·3	25·5	17	29	104	78	92	69
Bakarganj	1,491	2,046	14·6	15·7	772	869	12·0	8·3	8	11	26	22	23	24
Tippera	1,510	1,831	22·0	21·2	846	1,238	16·3	19·2	9	2	7	13	14	9
Noakhali	1,044	1,504	32·1	29·1	380	748	20·5	10·8	9	3	17	4	23	7
Chittagong	675	908	7·7	14·1	743	853	7·3	8·1	10	3	17	3	24	5
Total ..	4,720	6,289	19·9	20·3	2,741	3,708	13·2	13·7	36	19	67	42	84	45
Grand Total ..	28,334	39,129	14·9	24·7	18,332	28,329	13·3	17·9	134	110	402	396	426	327

K.

from enquiry together with the result of bad-livelihood cases for 1943.

Number of cases tried locally.		Number of successful cases.		Number of persons pending trial under section 110, Criminal Procedure Code, at the beginning of the year.		Number of persons prosecuted under section 110, Criminal Procedure Code, during the year.		Number of persons convicted under section 110, Criminal Procedure Code.		Number of persons pending prosecution at the end of the year.		Incidence of burglaries and thefts separately per 100,000 of the population.			
												Theft.		Burglary.	
1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
19	8	15	8	35	11	16	25	20	11	11	25	52·0	76·2	54·1	66·4
13	11	9	10	8	6	15	27	10	23	6	8	36·6	48·4	57·5	64·8
13	27	13	26	10	11	18	50	17	32	11	28	42·6	57·9	70·0	100·3
24	13	23	11	11	6	32	17	30	13	6	8	24·9	42·4	58·3	114·4
16	8	14	7	4	5	18	13	14	7	5	9	36·4	51·0	57·7	84·1
85	67	74	62	67	39	99	132	91	86	39	78	40·7	58·3	59·1	85·8
10	5	9	5	7	16	36	39	25	16	16	28	29·6	145·7	60·9	93·9
6	4	6	2	14	2	6	8	18	8	2	..	20·1	42·2	16·3	51·03
8	..	7	..	7	..	9	..	14	..	..	..	29·3	62·2	29·6	39·7
6	2	7	4	8	16	13	24	16	20	16	7	43·5	59·3	43·6	73·9
2	11	2	11	11	28	20	70	3	42	28	56	65·5	98·7	77·6	107·0
..	3	1	3	1	..	..	52	1	3	..	49	88·5	171·7	41·1	82·2
32	25	32	25	38	62	84	193	77	89	62	140	57·7	93·8	46·7	77·1
14	16	13	15	14	2	30	62	37	32	2	26	43·1	44·3	81·3	88·5
12	10	9	10	7	2	20	18	19	13	2	6	41·0	48·1	47·9	48·9
7	8	7	8	1	4	15	9	12	11	4	2	43·4	49·5	61·6	65·8
45	42	44	40	16	26	121	136	106	134	26	18	17·9	26·3	51·9	62·8
20	17	19	17	15	4	24	59	34	38	4	21	24·7	39·9	34·6	51·7
17	7	13	5	10	7	25	15	21	6	7	13	27·6	38·7	71·0	90·8
14	18	14	18	4	7	25	37	22	28	7	16	25·6	32·8	28·3	50·0
..	..	..	..	..	..	..	..	..	..	..	..	136·0	139·1	57·5	65·5
129	118	119	113	67	52	260	336	251	262	52	102	34·9	44·5	58·0	70·0
40	40	39	39	7	33	109	109	77	66	33	73	53·1	71·4	117·0	155·0
28	24	26	22	3	13	56	70	43	42	13	34	19·0	27·0	60·0	73·0
23	4	19	5	10	..	32	11	34	6	..	5	18·1	32·5	45·3	85·7
91	68	84	66	20	46	197	190	154	114	46	112	29·5	41·3	73·8	109·6
23	24	22	22	15	18	55	63	39	45	18	17	21·8	26·2	42·0	57·6
14	9	12	8	24	12	25	54	31	35	12	30	27·2	32·0	48·7	47·4
23	7	21	7	33	6	32	8	56	14	6	..	17·5	33·7	47·0	67·7
21	5	21	5	14	6	20	4	25	6	6	1	41·4	47·5	37·5	55·2
81	45	76	42	86	42	132	129	151	100	42	48	28·8	39·0	49·7	66·2
418	323	385	308	288	241	772	980	724	651	241	480	37·6	54·6	58·1	80·3

STATEMENT

Statement showing the number of burglaries and thefts and the percentage of abstention

District.	Number of cases of house-breaking (serial No. 29) reported (column 5 of A-I).		Percentage not enquired into.		Number of cases of thefts ordinary (serial No. 33) reported (column 5 of A-I).		Percentage not enquired into.		Number of proceedings under section 109, Criminal Procedure Code, pending at the beginning of the year.		Number of proceedings under section 109 Criminal Procedure Code, instituted during the year.		Number of proceedings under section 109, Criminal Procedure Code, disposed of during the year.	
	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
24-Parganas	1,412	1,804	12·7	19·7	1,469	2,068	6·8	11·2	20	11	32	39	41	42
Nadia	891	1,005	12·0	10·9	568	751	8·9	9·5	6	8	20	24	18	26
Murshidabad	960	1,375	15·6	20·8	564	794	10·0	11·3	1	3	12	13	10	12
Jessore	1,067	2,093	12·4	23·0	457	777	10·5	16·7	3	2	15	17	16	16
Khulna	939	1,369	14·0	23·6	570	801	14·0	18·1	4	4	14	17	14	11
Total ..	5,269	7,646	13·3	20·4	3,628	5,191	9·4	13·0	34	28	93	110	99	107
Burdwan	961	1,470	17·6	34·2	1,504	2,297	18·0	24·1	6	7	51	19	50	16
Birbhum	171	535	15·2	28·2	211	442	11·8	26·0	..	2	7	3	5	5
Bankura	373	499	15·7	32·0	369	754	15·9	24·1	2	1	4	3	5	3
Midnapore	1,222	2,069	13·1	50·6	1,229	1,662	19·7	28·3	2	1	15	16	16	12
Hooghly	865	1,192	15·2	17·9	750	1,100	13·0	13·3	10	9	38	43	39	38
Howrah	452	904	9·2	17·0	947	1,881	6·0	14·7	13	6	38	50	45	40
Total ..	4,044	6,669	13·6	33·4	4,990	8,136	15·0	21·4	33	26	153	134	160	114
Rajshahi	1,163	1,236	18·8	16·7	616	697	16·2	11·7	4	..	23	30	27	25
Dinajpur	844	863	12·2	11·7	724	849	14·3	13·7	11	7	32	23	36	25
Jalpaiguri	606	668	5·9	12·4	427	467	8·6	12·8	1	2	7	13	6	10
Rangpur	1,494	1,806	8·7	18·8	510	758	12·7	18·7	4	4	21	13	21	11
Bogra	389	580	9·5	14·3	278	452	9·7	16·5	8	..	12	8	20	8
Pabna	1,212	1,549	7·0	17·8	471	661	9·9	14·0	4	2	13	14	15	6
Malda	299	527	11·3	8·1	270	346	8·1	11·2	2	2	3	6	3	6
Darjeeling	184	247	3·8	5·6	435	524	4·8	4·9	1	..	2	1	3	1
Total ..	6,191	7,476	10·5	15·3	3,731	4,754	11·3	13·3	35	17	113	108	131	92
Dacca	3,973	5,271	21·0	36·5	1,807	2,439	21·2	30·3	20	19	48	50	49	35
Mymensingh	3,096	3,795	15·3	26·0	1,017	1,417	15·1	21·0	10	18	49	40	41	38
Faridpur	1,041	1,983	7·9	26·5	418	684	5·7	17·5	11	4	23	28	30	16
Total ..	8,110	11,049	17·2	31·2	3,242	4,540	17·3	25·5	41	41	120	118	120	89
Bakarganj	1,491	2,046	14·6	15·7	772	869	12·0	8·3	9	9	35	49	35	33
Tippera	1,510	1,831	22·0	21·2	846	1,238	16·3	19·2	7	8	31	32	30	30
Noakhali	1,044	1,504	32·1	29·1	380	748	20·5	10·8	6	3	7	3	10	6
Chittagong	675	908	7·7	14·1	743	853	7·3	8·1	12	..	14	3	26	3
Total ..	4,720	6,289	19·9	20·3	2,741	3,708	13·2	13·7	34	20	87	87	101	72
Grand Total ..	28,334	39,129	14·9	24·7	18,332	26,329	13·3	17·9	177	132	566	557	611	474

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from enquiry together with the result of bad-livelihood cases for 1943.

Number of cases tried locally.		Number of successful cases.		Number of persons pending trial under section 109, Criminal Procedure Code, at the beginning of the year.		Number of persons prosecuted under section 109, Criminal Procedure Code, during the year.		Number of persons convicted under section 109, Criminal Procedure Code.		Number of persons pending prosecution at the end of the year.		Incidence of burglaries and thefts separately per 100,000 of the population.			
												Theft.		Burglary.	
1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.	1942.	1943.
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
..	..	30	35	39	20	41	79	37	54	20	31	..	..	..	..
..	..	10	16	6	8	22	39	12	16	8	8	..	..	..	..
..	..	10	8	1	3	13	22	11	8	3	6	..	..	..	..
..	..	13	9	3	3	20	29	16	12	3	10	..	..	..	..
..	..	9	9	4	4	22	22	15	9	4	15	..	..	..	..
..	..	72	77	53	38	118	191	91	99	38	70	..	..	..	..
..	..	36	9	6	10	65	24	38	11	10	14	..	..	..	..
..	..	3	3	..	2	7	6	3	3	2	..	..	..	..	
..	..	5	2	4	1	4	3	7	2	1	1	..	..	..	..
..	2	9	8	3	1	19	37	11	14	1	17	..	..	..	..
..	..	38	36	12	11	53	53	52	39	11	22	..	..	..	
..	..	40	36	25	4	71	61	52	45	4	16	..	..	..	..
..	2	131	94	50	29	219	184	153	114	29	70	..	..	..	..
..	..	22	20	6	..	26	44	25	24	..	11	..	..	..	..
..	..	31	21	13	12	51	35	44	31	12	10	..	..	..	..
..	..	5	6	1	1	8	23	6	10	1	8	..	..	..	..
..	..	17	11	4	4	24	19	19	12	4	11	..	..	..	..
..	..	17	6	8	..	15	8	20	6	..	..	..	..	..	..
..	..	11	2	5	6	22	20	13	4	6	13	..	..	..	..
..	..	2	4	2	3	4	10	2	7	3	4	..	..	..	..
1	..	3	..	1	..	4	2	3	..	..	..	..	..	..	..
1	..	108	70	40	26	154	161	132	94	26	57	..	..	..	..
..	..	32	25	34	35	80	98	46	34	35	78	..	..	..	..
..	..	33	27	13	25	60	63	39	33	25	37	..	..	..	..
..	..	19	12	19	11	35	63	21	18	11	46	..	..	..	..
..		84	64	66	71	175	224	106	85	71	161	..	..	..	..
..		27	29	16	19	60	80	33	37	19	55		..	..	..
..	..	24	18	12	10	36	47	26	22	10	18	..	..	..	..
..	..	7	5	11	3	7	5	12	7	3	..	..	..	..	..
..	..	17	2	14	1	22	3	19	2	1	..	..	..	..	..
..	..	75	54	53	33	125	135	90	68	33	73	..	..	..	..
1	2	470	359	262	197	791	895	572	460	197	431	..	..	..	..

APPENDIX TO STATEMENT A, PART I.

Return of cases under section 354, I.P.C., for the year 1943.

Districts.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation. (cols. 4+5−6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of year.	True cases.				Total Magistrate's true cases.	Total Magistrate's cases ending in conviction.	Grand total of true cases (cols. 14+15).	Withdrawn compounded.
								Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 6+11+12+13).				
	Col. 4, A-I.	Col. 5, A-I.	Col. 6, A-I.	Col. 7, A-I.	Col. 8, A-I.	Col. 9, A-I.	Col. 10, A-I.	Col. 11, A-I.	Col. 12, A-I.	Col. 13, A-I.	Col. 14, A-I.	Col. 15, A-I.	Col.16, A-I.	Col.17, A-I.	Col.18, A-I.
24-Parganas ..	4	7	..	11	1	2	..	1	3	4	8	..	..	8	..
Nadia	3	11	..	14	..	2	4	6	1	1	8	12	3	20	..
Murshidabad ..	2	8	..	10	..	3	..	4	1	2	7	10	1	17	..
Jessore	..	10	..	10	..	1	4	2	2	1	5	9	2	14	..
Khulna	2	10	..	12	1	3	..	3	3	2	8	18	..	26	..
Total ..	11	46	..	57	2	11	8	16	10	10	36	49	6	85	..
Burdwan	6	10	..	16	..	1	5	5	1	3	9	..	..	9	1
Birbhum	3	1	..	4	..	..	..	..	3	1	4	9	1	13	..
Bankura	..	..	..	..	..	..	..	..	..	..	..	1	..	1	..
Midnapore ..	2	5	..	7	1	1	..	1	..	2	3	11	3	14	2
Hooghly	..	4	..	4	..	1	1	1	..	1	2	13	3	15	..
Howrah	..	4	..	4	..	2	..	2	..	..	2	13	2	15	..
Total ..	11	24	..	35	1	5	6	9	4	7	20	47	9	67	3
Rajshahi	..	7	..	7	..	1	2	3	..	1	4	8	1	12	..
Dinajpur	2	8	..	10	..	3	4	3	..	..	3	..	..	3	..
Jalpaiguri ..	..	2	..	2	..	..	..	1	1	..	2	1	..	3	..
Rangpur	3	3	..	6	..	2	..	2	..	2	4	17	2	21	..
Bogra	1	4	..	5	..	..	2	2	..	1	3	6	..	9	..
Pabna	1	6	..	7	..	1	1	..	1	4	5	10	..	15	..
Malda	1	18	..	19	..	3	4	6	2	4	12	8	..	20	..
Darjeeling ..	..	3	..	3	..	..	..	2	1	..	3	..	..	3	..
Total ..	8	51	..	59	..	10	13	19	5	12	36	50	3	86	..
Dacca ..	4	10	..	14	..	3	3	3	3	2	8	4	2	12	..
Mymensingh ..	4	16	..	20	..	4	5	3	3	5	11	8	4	19	..
Faridpur	..	1	..	1	..	1	..	..	..	..	..	..	..	..	..
Total ..	8	27	..	35	..	8	8	6	6	7	19	12	6	31	..
Bakarganj ..	5	9	..	14	1	2	3	3	2	3	8	52	16	60	..
Tippera	2	3	..	5	..	1	..	..	..	3	3	17	3	20	1
Noakhali	3	7	..	10	1	..	4	..	3	2	5	14	3	19	..
Chittagong ..	3	14	..	17	1	5	3	1	1	5	7	..	..	7	1
Total ..	13	33	..	46	3	8	10	4	6	13	23	83	22	106	2
Grand Total ...	51	181	..	232	6	42	45	54	31	49	134	241	46	375	5

APPENDIX TO STATEMENT A, PART II.

Return of persons concerned in cases under section 354, I.P.C., for the year 1943.

Districts.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrates' order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at end of year.	Persons concerned in Magistrates' cases.			Remarks.	
										Number arrested.	Number convicted.	Number acquitted or discharged.	Otherwise disposed of.	Surrendered or appeared under order of Magistrates.
	Col. 4, A-II.	Col. 5, A-II.	Col. 6, A-II.	Col. 7, A-II.	Col. 8, A-II.	Col. 9, A-II.	Col. 10, A-II.	Col. 11, A-II.	Col. 12, A-II.	Col. 13, A-II.	Col. 14, A-II.	Col. 15, A-II.	Col. 16, A-II.	Col. 17, A-II.
24-Parganas	7	7	1	5	8	1	7	..	..	..	..	..	..	..
Nadia	3	13	..	..	12	6	6	..	4	10	3	7	..	..
Murshidabad	2	8	1	2	7	6	1	..	..	11	1	10	..	..
Jessore	..	8	..	1	4	2	2	..	3	38	3	35	..	..
Khulna	5	11	1	3	12	6	6	..	..	34	..	34	..	..
Total ..	17	47	3	11	43	21	22	..	7	93	7	86	..	..
Burdwan	8	9	2	3	10	8	2	..	4	..	..	..	1	3
Birbhum	3	..	..	..	3	..	3	..	..	12	1	11	..	..
Bankura	..	..	..	..	..	..	..	..	..	4	..	4	..	..
Midnapore	..	4	2	..	1	1	..	2	..	15	3	12	1	..
Hooghly	..	6	1	1	3	3	..	..	1	19	4	12	..	..
Howrah	..	6	2	..	2	2	..	..	2	22	4	18	..	..
Total ..	11	25	7	4	19	14	5	2	7	72	12	57	2	3
Rajshahi	..	5	..	..	5	3	2	..	..	11	1	8	..	..
Dinajpur	1	10	..	..	3	3	..	..	4	..	..	..	4	..
Jalpaiguri	..	2	..	..	2	1	1	..	..	3	..	3	..	..
Rangpur	3	2	1	..	4	2	2	..	..	32	3	29	..	..
Bogra	1	8	..	..	2	2	..	..	7	4	..	4	..	..
Pabna	1	4	2	2	1	..	1	1	..	20	..	20	..	..
Malda	1	18	1	6	6	4	2	..	8	18	..	14	1	3
Darjeeling	..	4	1	..	3	2	1	..	..	..	..	..	..	..
Total ..	7	53	5	8	26	17	9	1	19	88	4	78	5	3
Dacca	1	8	1	2	6	3	3	..	3	4	2	2	..	3
Mymensingh	4	5	3	2	11	3	8	..	4	4	4	..	..	11
Faridpur	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	5	13	4	4	17	6	11	..	7	8	6	2	..	14
Bakarganj	3	3	..	..	5	5	..	3	2	58	13	35	..	1
Tippera	..	4	..	1	..	..	..	..	..	30	6	24	3	..
Noakhali	..	5	..	..	4	..	4	2	1	27	5	19	..	..
Chittagong	..	4	..	1	2	1	1	2	1	..	..	..	2	2
Total ..	3	16	..	2	11	6	5	7	4	115	24	78	5	3
Grand Total ..	43	154	19	29	116	64	52	10	44	376	53	301	12	23

APPENDIX TO STATEMENT A, PART I.

Return of cases under section 366, I.P.C. (including 366A, I.P.C.), for the year 1943.

Districts.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation (cols. 4+5−6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of the year.	True cases.				Total Magistrates' true cases.	Total Magistrates' cases ending in conviction.	Grand total of true cases (cols. 14+15).	Withdrawn compounded.
								Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 6+11+12+13).				
	Col. 4, A-I.	Col. 5, A-I.	Col. 6, A-I.	Col. 7, A-I.	Col. 8, A-I.	Col. 9, A-I.	Col. 10, A-I.	Col. 11, A-I.	Col. 12, A-I.	Col. 13, A-I.	Col. 14, A-I.	Col. 15, A-I.	Col.16, A.-I.	Col.17, A-I.	Col.18, A-I.
24-Parganas ..	4	6	..	10	..	1	..	2	2	5	9	..	..	9	..
Nadia	..	12	..	12	..	2	4	1	2	3	6	3	..	9	..
Murshidabad ..	3	6	..	9	1	2	1	2	2	1	5	3	..	8	..
Jessore	1	7	..	8	..	3	..	2	..	3	5	10	..	15	..
Khulna	2	4	..	6	..	1	4	..	1	..	1	16	1	17	..
Total ..	10	35	..	45	1	9	9	7	7	12	26	32	1	58	..
Burdwan ..	1	4	..	5	..	..	3	1	..	1	2	..	..	2	..
Birbhum ..	..	2	..	2	..	..	..	1	1	..	2	4	1	6	..
Bankura ..	..	3	..	3	..	2	..	..	..	1	1	..	..	1	..
Midnapore ..	1	1	..	2	..	..	..	..	1	1	2	..	..	2	..
Hooghly ..	..	3	..	3	..	..	1	..	..	1	1	6	..	7	1
Howrah	1	4	..	5	..	1	1	..	2	1	3	..	..	3	..
Total ..	3	17	..	20	..	3	5	2	4	5	11	10	1	21	1
Rajshahi ..	2	7	..	9	2	1	..	2	2	2	6	6	..	12	..
Dinajpur ..	..	2	..	2	..	2	..	..	..	..	..	..	..	..	..
Jalpaiguri ..	2	6	..	8	1	1	1	3	..	1	4	4	..	8	1
Rangpur	3	5	..	8	..	..	3	2	2	1	5	15	..	20	..
Bogra	..	1	..	1	..	1	..	..	..	..	..	16	..	16	..
Pabna	1	3	..	4	..	2	2	..	..	..	..	8	..	8	..
Malda	..	3	..	3	..	1	2	..	..	..	..	1	..	1	..
Darjeeling ..	1	3	..	4	..	..	1	2	..	..	2	..	..	2	1
Total ..	9	30	..	39	3	8	9	9	4	4	17	50	..	67	2
Dacca	7	19	..	26	3	9	7	1	4	1	6	3	1	9	1
Mymensingh ..	4	48	..	52	6	15	13	2	4	12	18	..	..	18	..
Faridpur ..	1	7	..	8	..	4	3	..	1	..	1	..	..	1	..
Total ..	12	74	..	86	9	28	23	3	9	13	25	3	1	28	1
Bakarganj ..	8	26	..	34	7	14	4	1	4	4	9	43	5	52	..
Tippera	2	1	..	3	..	2	..	..	1	..	1	6	2	7	..
Noakhali	1	1	..	2	..	..	1	..	1	..	1	..	..	1	..
Chittagong ..	..	5	..	5	..	1	2	..	..	2	2	4	..	6	..
Total ..	11	33	..	44	7	17	7	1	6	6	13	53	7	66	..
Grand Total ..	45	189	..	234	20	65	53	22	30	40	92	148	10	240	4

APPENDIX TO STATEMENT A, PART II.

Return of persons concerned in cases under section 366, I.P.C. (including 366A, I.P.C.), for the year 1943.

Districts.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrates' order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at the end of the year.	Persons concerned in Magistrates' cases.			Remarks.	
										Number arrested.	Number convicted.	Number acquitted or discharged.	Otherwise disposed of.	Surrendered or appeared under order of Magistrates.
	Col. 4, A-II.	Col. 5, A-II.	Col. 6, A-II.	Col. 7. A-II.	Col. 8, A-II.	Col. 9, A-II.	Col. 10, A-II.	Col. 11, A-II.	Col. 12, A-II.	Col. 13, A-II.	Col. 14, A-II.	Col. 15, A-II.	Col. 16, A-II.	Col. 17, A-II.
24-Parganas ..	2	10	..	7	5	3	2	..	..	..	..	..	..	..
Nadia	..	29	..	7	12	2	10	..	10	8	..	8	..	..
Murshidabad ..	4	3	1	..	5	2	3	..	1	..	..	..	..	..
Jessore	2	11	..	5	8	5	3	..	..	34	..	34	..	..
Khulna	19	4	..	..	13	..	13	..	10	36	1	35	..	..
Total ..	27	57	1	19	43	12	31	..	21	78	1	77	..	..
Burdwan ..	..	15	2	..	4	1	3	..	9	..	..	..	..	..
Birbhum ..	..	2	..	..	7	2	5	..	..	20	4	16	..	5
Bankura ..	..	7	..	7	..	..	..	..	..	..	..	..	..	..
Midnapore ..	7	..	..	..	7	..	7	..	..	..	..	..	..	..
Hooghly ..	..	3	..	..	..	..	..	..	..	15	..	10	3	..
Howrah	9	15	..	6	13	..	13	4	5	..	..	..	..	..
Total ..	16	42	2	13	31	3	28	4	14	35	4	26	3	5
Rajshahi ..	4	14	5	2	11	3	8	..	..	18	..	15	..	..
Dinajpur ..	..	4	4	..	..	..	..	..	..	..	..	..	..	..
Jalpaiguri ..	3	10	..	2	8	5	3	1	3	6	..	6	1	1
Rangpur ..	2	19	..	..	14	12	2	..	7	28	..	28	..	..
Bogra	..	2	2	..	..	..	..	..	..	6	..	3	..	..
Pabna	..	10	..	7	..	..	..	..	3	20	..	20	..	..
Malda	..	10	..	..	1	..	1	1	9	4	..	2	..	..
Darjeeling ..	2	2	..	..	4	4	..	1	..	..	..	..	..	..
Total ..	11	71	11	11	38	24	14	3	22	82	..	74	1	1
Dacca	18	37	..	30	7	1	6	..	15	5	1	4	8	5
Mymensingh ..	14	50	24	3	18	2	16	6	30	..	..	..	1	12
Faridpur ..	..	8	..	1	1	..	1	..	6	..	..	..	..	..
Total ..	32	95	24	34	26	3	23	6	51	5	1	4	9	17
Bakarganj ..	24	63	20	12	38	5	33	7	8	68	7	48	9	..
Tippera	4	1	..	..	3	..	3	..	..	10	4	6	2	..
Noakhali ..	..	4	..	..	..	..	2	..	2	..	..	..	..	..
Chittagong ..	..	8	2	2	2	..	..	..	4	12	..	12	..	..
Total ..	28	76	22	14	43	5	38	7	14	90	11	66	11	..
Grand Total ..	114	341	60	91	181	47	134	20	122	290	17	247	24	23

BGP-47/8-52A-100.

INSPECTOR GENERAL OF POLICE
25 AUG 1945
BENGAL

A.96.



Government of Bengal

Report on the Police Administration in the Province of Bengal excluding Calcutta and its Suburbs

For the Year 1942

By

G. H. MANNOOCH, C.I.E.

Inspector-General of Police, Bengal

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1945

Report on the Police Administration in the Province of Bengal excluding Calcutta and its Suburbs for the year 1942.

Section II.

Paragraphs 2 and 3.—Eastern Frontier Rifles (Bengal Battalion) Dacca, 1942.

Sanctioned Strength.

Year.	Number of Commandant.	Number of Assistant Commandants.	Number of Subadars and Jamadars.	Number of Havildars.	Number of sepoys and buglers.	Total.	Remarks.
1941	1	3	16	66	753	839	
1942	1	3	16	66	762(*a*)	848	(*a*) Includes 9 sepoy drivers sanctioned temporarily.

Training, Casualties, Punishment, etc.

Year.	Training.		No. of armourers who have completed Refresher courses.	No. trained in motor driving.	No. of St. John Ambulance Division.	Casualties, health, etc.									No. punished departmentally.	No. punished judicially.	No. of students at Battalion School.		
	Physical.	Armourer.				No. of admission into hospital.	Retired on pension.	Resignation.	Discharge.	Death.	Desertions.	Dismissals.	Failed to return from leave.	Compassionate pension.			Boys.	Girls.	Recruit boys.
1941 ..	2	4	....	..	1	450	23	43	7	7	2	3	1	1	95	5	61	30	10
1942 ..	2	4	1	15	1	696	29(*a*)	33	2	7	2	..	3	..	85	2	65	34	11

(*a*) 26 invalided.

Section III.

Paragraph 5.—Statement showing award of prizes for shooting by members of the Force for 1942.

	Name of officer.	Branch.	Possible score (points).	Points scored.	Prize.
Revolver shooting	S. I. Hem Raj Gurung of Darjeeling	Unarmed Br. ..	96	67	1st prize.
Ditto	Babu Jamuna Singh, Inspr., Malda	Armed Br. ..	96	70	do.
Musketry ..	Const. Joyram Sing of Birbhum	....	168	167	do.

Paragraph 6.—Special Armed Force, 1942.

	Inspectors.	Sub-Inspectors.	Sergeants.	Head Constables.	Naiks.	Constables.
1941	30	33	11	425	52	4,630
1942	30	33	11	427	219	4,478

Statement showing the number of calls answered by the Special Armed Force to deal with various disturbances for the years 1937 to 1942.

Year.	Communal disturbances.	Industrial strikes.	Other disturbances.	Total.
1937	6	24	15	45
1938	24	23	35	82
1939	16	18	37	71
1940	21	40	28	89
1941	27	26	20	73
1942	18	56	158	232

Paragraph 8.—Recruitment, 1942.

	Total number recruited.		Direct appointment.				By promotion.				Local.						Foreigners.					
			Non-Muslim including Namasudras and other castes.		Muslim.		Non-Muslim including Namasudras and other castes.		Muslim.		Hindu and other castes.		Muslim.		Total.		Hindu and other castes.		Muslim.		Total.	
	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942
Sub-Inspectors	108	108	22	23 (a)	32	31 (a)	37	35	17	23	..	..	..	..	..	..	..	..	..	..	..	..
Assistant Sub-Inspectors.	95	94	..	..	..	..	67	67	28	27	64	65	28	27	92	92	3	2	..	..	3	2
Constables ..	1,844	3,715 (b)	1,041	1,931	803	1,784	..	..	..	..	736	1,372	735	1,648	1,471	3,020	305	559	68	136	373	695

(a) Of the Sub-Inspectors recruited 54 were graduates (including 2 M.As.).
(b) Of the Constables recruited 123 were under-graduates and matriculates.

Statement of the actual strength of the Subordinate Police Force by communities, 1942.

Rank.	Actual strength.	Hindu.	Muslim.	Scheduled caste.	European.	Anglo-Indian.	Indian Christian.	Other castes.
1	2	3	4	5	6	7	8	9
Inspectors	289	186	70	1	24	2	..	6
		64·3	24·2	·3	8·3	·6		2·1
Sub-Inspectors	1,436	781	602	21			3	29
		54·3	41·9	1·4	..	..	·2	2·1
Sergeants	48	..	..	..	17	31	..	..
					35·4	64·5		
Assistant Sub-Inspectors	1,576	1,012	487	52			1	24
		64·2	30·9	3·3	..	..	·1	1·5
Head Constables—								
Armed	397	237	81	2				77
		59·6	20·4	·5	..	..	..	19·4
Unarmed	660	436	195	1			1	27
		66·03	29·5	·15	..	..	·15	4·07
Total of Head Constables ..	1,057	673	276	3			1	104
		63·6	26·1	·28	..	..	·09	9·8
Constables—								
Armed	4,784	2,539	1,142	102			15	986
		53·1	23·8	2·1	..	..	·3	20·6
Unarmed	15,561	9,146	5,573	412			39	391
		58·7	35·8	2·6	..	..	·2	2·6
Total of Constables ..	20,345	11,685	6,715	514			54	1,377
		57·4	33	2·5	..	..	·3	6·7
Manjhis	26	8	17	1				
		30·7	65·3	4·0	..	..	..	..
Dardis	36	..	4	32				
			11·1	88·9	..	..	..	..
Steam launch staff	104	3	101					
		2·9	97·1	..	..	..	..	..

Year.		Total number of casualties.
1941	..	1,[illegible]
1942	..	2,[illegible]

Number of escape cases
Number of recaptures effe
Number of persons at lar
Number of officers and m

Number of officers and m

Number of officers and m

Number of officers and m
Number of proceedings
at the close of the year
Number of forcible rescu
Number of rescuers pros
Number of rescuers conv

Paragraph 12.—Reward

Year.		Number re	In Excise, Arms Act, etc., cases.	
1941	..		974	10
1942	..		946	10

Foreigners.			
Muslim.		Total.	
1941	1942	1941	1942
..	..	..	..
..	..	3	2
68	136	373	695

42.

Indian Christian.	Other castes.
8	9
..	6
	2·1
3	29
·2	2·1
..	..
1	24
·1	1·5
	77
..	19·4
1	27
·15	4·07
1	104
·09	9·8
15	986
·3	20·6
39	391
·2	2·6
54	1,377
·3	6·7
..	..
..	..
..	..

Paragraph 9.—Casualties, health and mortality, 1942.

Year.	Total number of casualties.	Retirements.				Deaths.			Total admission into hospitals.	Number of "man-days" lost due to sickness.
		Super-annuation.	Retiring.	Invalid.	Total.	On duty.	At home while on leave.	Total.		
1941 ..	1,592	55	80	522	657	94	70	164	14,848	551,643
1942 ..	2,202	148	141	704	993	95	72	167	18,438	660,502

Paragraph 11.—Escapes from custody, 1942.

	1941.	1942.
Number of escape cases	45	69
Number of recaptures effected	39	52
Number of persons at large at the close of the year ..	6	17
Number of officers and men held responsible ..	67	120 (including 15 chaukidars).
Number of officers and men departmentally dealt with	53 (including 14 constables dismissed).	76 (*a*) (including 7 chaukidars). (*a*) 2 constables dismissed.
Number of officers and men judicially prosecuted ..	1 constable.	2 constables. 2 chaukidars.
Number of officers and men judicially convicted ..	....	2 constables.
Number of proceedings against officers and men pending at the close of the year. ..	7	14
Number of forcible rescue cases	2	5
Number of rescuers prosecuted	17	9
Number of rescuers convicted	16	7

Paragraph 12.—Rewards, punishments and conduct of the police and the charges brought against them during the year 1942.

Year.	Rewards.							Cases against police.						Judicial punishments.		
	Number rewarded.			Amount of rewards. (*a*).	Good service marks, commendations, etc.	Number of public rewarded.	Amount of rewards paid to members of the public.	No. of cases including cases pending from previous year.	No. of cases ended in conviction.	No. of cases ended in acquittal or discharge.	No. of cases ended in dismissal.	Civil suit cases decreed against.	Cases pending at the close of the year.	No. convicted under the Police Act.	No. convicted for other offences.	Total.
	In Excise, Arms Act, etc., cases.	In other cases.	Total.													
				Rs.			Rs. (*a*)									
1941 ..	974	10,470	11,444	87,885	5,432	3,193	16,404	240	11	73	101	3	52	5	6	11
1942 ..	946	10,079	11,025	83,759	5,014	3,065	21,825	250	23	66	103	5	53	73	119	176

(*a*) { 1941—Includes Rs. 2,126 for cases under Excise, Arms and Gambling Acts.
1942—Includes Rs. 2,149 for cases under Excise, Arms and Gambling Acts.

Year.	Departmental Punishments.			
	No. of major punishments excluding dismissals.	Number of dismissals.	Number of minor punishments.	Total punishments.
1941 ..	406	140	7,666	8,212
1942 ..	420	201	7,068	7,689

Paragraph 13.—Railway Police, 1942.

	Cognisable crimes.													
	True cases reported.		Cases decided.		Cases convicted.		Percentage of cases convicted to cases tried.		Number of persons tried.		Number of persons convicted.		Percentage of persons convicted to persons tried.	
	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.
Government Railway Police, Howrah.	1,626	2,045	709	755	689	725	97·1	96·02	1,345	1,057	1,303	998	96·8	94·4
Bengal and Assam Railway, Sealdah.	1,537	1,698	1,129	1,381	972	1,015	86·09	66·2	1,542	1,222	1,241	1,164	80·4	95·2
Bengal and Assam Railway, Saidpur.	746	863	260	293	234	254	90·1	87·	342	452	280	333	81·8	74·
	3,909	4,606	2,098	2,429	1,895	1,994	90·3	83·07	3,229	2,731	2,824	2,495	87·4	91·35

	Thefts from running passenger trains.						*Thefts from goods trains and wagons in yards.						Missing goods cases.							
	Number of cases.		Persons sent up.		Persons convicted.		Number of cases.		Persons sent up.		Persons convicted.		From goods sheds.		From running goods trains.		From trains and wagons in yards.		Total.	
	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.
Government Railway Police, Howrah.	28	55	3	8	3	5	50	230	7	17	7	13	64	75	24	32	25	94	113	201
Bengal and Assam Railway, Sealdah.	56	75	14	20	13	17	28	33	10	17	10	5	12	4	14	6	12	20	38	30
Bengal and Assam Railway, Saidpur.	29	32	6	5	1	4	55	88	8	16	5	10	15	9	15	28	40	60	70	97
Total ..	113	162	23	33	17	26	133	351	25	50	22	28	91	88	53	66	77	174	221	328

	Railway accidents.														Thefts of mail bags.						Ticketless travels.	
	Number of accidents.		Number of collisions.		Persons killed.		Persons injured.		Number of suicides.		Railway employees killed.		Railway employees injured.		Number of cases.		Persons sent up.		Persons convicted.			
	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942	1941	1942
Government Railway Police, Howrah.	291	394	3	7	261	249	144	116	32	45	10	23	78	50	..	..	..	..	..	..	12,741	8,223
Bengal and Assam Railway, Sealdah.	355	327	2	8	217	215	148	140	24	62	6	14	62	52	1	2	..	..	..	1	26,218	18,964
Bengal and Assam Railway, Saidpur.	271	229	9	2	153	132	190	76	20	19	3	4	17	24	1	1	..	..	..	..	12,680	7,442
Total ..	917	950	14	17	631	596	482	332	76	126	19	41	157	126	2	3	..	..	..	1	51,639	34,629

Paragraph 14.—River Crime, 1942.

	1941	*1942*	
Number of river dacoities	49	88	Dacca reported 42 against 12 in
Number of cases dealt with under Indian Steam Vessels Act ..	405	189	1941.
Number of arrests made by patrol staff—			
(*a*) Thieves	27	19	
(*b*) Absconders	5	8	
Number of criminal tribes members absent from home ..	21	6	

Paragraph 15.—

Details.
Number under training beginning of the year.
Number joined during th
Number left the colleg receiving training.
Number discharged for reasons.
Number passed the e tions.
Number failed and retu districts.
Number deputed to Em Areas while under trai
Number under training close of the year.
Number trained in First
Number obtained St. Jo bulance certificates.
Number attended Drill tor's Course.
Number obtained Drill tor's certificates.
Number passed the Drill
Number attended Re Course.
Number died while unde ing.
Number prosecuted and c ed under Police Act.
Number given "Brus training.
Inspector-General of Poli
Gazetted officers (exclud
Number of Co-oper
Number of Co-oper
Number of new tel
Number of police-

Paragraph 15.—Police Training College—Statement showing particulars of training, casualties, etc., of probationary officers and men during the year 1942.

Details.	Probationary Assistant Superintendents of Police.	Probationary Deputy Superintendents of Police.	Probationary Sub-Inspectors (direct recruits).			Probationary Sub-Inspectors (departmentally promoted Assistant Sub-Inspectors).	Recruit constables.	Range reserve men.	Inspections and visits.	
			Bengal cadets.	Assam cadets.	Chittagong Hill Tracts cadets.				Inspected by—	Visited by—
Number under training at the beginning of the year.	4 (1 European).	3	..	..	..	..	..	..	Deputy Inspector-General, Presidency Range.	Deputy Inspector-General, Rajshahi Range; District Magistrate, Rajshahi; Civil Surgeon, Rajshahi; Executive Engineer, Rajshahi; Superintending Engineer, Northern Circle, Darjeeling.
Number joined during the year	2	1	54	10	3	53	3,115	..		
Number left the college after receiving training.	4 (1 European).	3	..	..	..	..	2,284	..		
Number discharged for various reasons.	..	1	2	..	..	..	(*b*) 112	..		
Number passed the examinations.	(*a*)	(*a*)	52	10	3	17	..	..		
Number failed and returned to districts.	..	..	..	..	..	11	..	..		
Number deputed to Emergency Areas while under training.	..	..	..	..	..	(*c*) 25	..	..		
Number under training at the close of the year.	2	1	..	..	..	..	717	..	..	
Number trained in First Aid ..	2	1	54	10	..	24	180	..		
Number obtained St. John Ambulance certificates.	2	1	(*d*) 52	10	..	(*d*)	135	..		
Number attended Drill Instructor's Course.	..	..	..	..	..	..	78	..		
Number obtained Drill Instructor's certificates.	..	..	..	..	..	..	17	..		
Number passed the Drill Test ..	..	..	..	..	..	..	47	..		
Number attended Refresher Course.	..	..	..	..	..	..	57	..		
Number died while under training.	..	..	..	..	..	..	2	..		
Number prosecuted and convicted under Police Act.	..	..	..	..	..	..	6	..		
Number given "Brush up" training.	..	..	..	..	..	..	..	632		

Note.—(*a*) Examinations of Probationary Assistant and Deputy Superintendents of Police were not held during the year.
(*b*) Includes 8 deserters who were prosecuted and convicted.
(*c*) Deputed to Emergency Areas before completion of their training.
(*d*) 2 direct cadets and 24 departmental cadets have passed in First Aid Test.

Paragraph 17—Touring and Inspections and local supervision of cases during 1942.

.. ..	Number of days spent on tour.	Number of districts inspected.	Number of cases locally supervised.		Number of police-stations not inspected at all.	Number of occasions on which evidence was given in Court.	
			1941.	1942.		1941.	1942.
Inspector-General of Police	63	5	..	..	..	..	..
Gazetted officers (excluding D. I.-G. and Inspectors.) ..	11,985	..	2,965	2,952	24	42	83

Paragraph 20.—Miscellaneous, 1942.

Details.	1941.	1942.
Co-operation meetings.		
Number of Co-operation meetings with Presidents of Union Boards	3,925	4,410
Number of Co-operation meetings with villagers	20,822	20,661
Communications.		
Number of new telegraph offices opened	4	2
Number of police-stations without any telegraph office within a mile	272	270

Miscellaneous.	1941.	1942.
Number of subscribers to the General Provident Fund	15,558	14,594
Number of Village Defence Parties	7,092	7,455
Number of arrests made by members of Villlage Defence Parties—		
(*a*) by themselves	334	229
(*b*) with the help of the Police	101	53
St. John Ambulance Division.		
Number of St. John Ambulance Divisions	32	32
Number of officers and men who possess St. John Ambulance certificates	3,364	3,671
Number of officers and men who went through Refresher Course	840	900
Number of cases in which First Aid was rendered—		
(*a*) to members of the Police Force	16	50
(*b*) to members of the public	217	115
Motor accidents.		
Total number of accident cases	1,120	783
Number of accidents caused by cars	635	327
Number of accidents caused by lorries, buses, tractors, etc.	485	456
Number of accidents due to defective mechanism	34	8
Compassionate Gratuity.		
Number of compassionate gratuities granted to families of deceased officers	23	27
Statement showing particulars of use of arms at police-stations and of cases of assault on the Police.		
Number of occasions on which arms were used by the Police	7	23
Number of officers and men assaulted by the public	124	370
Number of officers and men died of wounds	2	7
Number of assault cases	80	121
Number of cases in which charge-sheets were submitted	56	63
Number of cases ended in acquittal or discharge	8	9
Number of cases in which "Final Report True" was submitted	13	7
Number of cases ended in conviction	35	47
Number of cases pending at the close of the year	24	58
Sentences passed on convicted persons.		
Number of persons convicted	141	253
Number of persons bound down under section 562, Cr. P. C.	8	25
Number of persons sentenced to imprisonment till rising of the Court	18	2
Number of persons fined	37	(*a*)69
Total amount of fine	Rs. 1,135	Rs. 2,880
Maximum fine imposed	Rs. 100	Rs. 100
Number of persons sentenced to imprisonment—		
(*a*) for less than 6 months	45	66
(*b*) from 6 months to 1 year	21	114
(*c*) for more than 1 year	12	17

(*a*) Includes 40 who were fined in addition to imprisonment.

Section IV.

Paragraph 21.—Working of the rural Police, 1942.

	1941.	1942.
Total number of dafadars and chaukidars	74,485	74,129
Number of chaukidars over 50 years of age	4,796	4,034
Number of chaukidars related to C. T. Act members	272	162
Number of chaukidars belonging to known criminal stock	71	28
Number of chaukidars who reside outside their own mahallas	5,379	4,607
Average monthly cost of each dafadar and chaukidar	Rs. 6-0-7	Rs. 6-1-2.

Cost of rural Police during last 2 decades.

Year.	Number of dafadars and chaukidars.	Cost. Rs.
1922	83,052	57,08,661
1932	76,733	56,85,481
1942	74,129	54,04,339

Payments to the rural police.	1941.	1942.
Number of chaukidars remained unpaid at the end of the year	16,443	29,379
Number of chaukidars remained unpaid for over 6 months	980	5,336
Number of chaukidars remained unpaid for 6 months	1,120	4,553
Number of chaukidars remained unpaid for 3 months	5,246	5,690

Paragraph 22.—Rewards, punishments and state of the Chaukidar i Reward Fund, 1942.

Rewards.	1941.	1942.
Total number of rewards granted to dafadars and chaukidars ..	7,549	6,400

Chaukidari Reward Fund.	Rs. a. p.	Rs. a. p.
Opening balance	14,617 0 0	14,230 13 5
Total receipts during the year	20,982 0 0	24,853 0 9
Total amount in the Reward Fund	35,599 0 0	39,083 14 2
Amount distributed as rewards	21,041 0 0	23,858 7 0
Closing balance	14,557 0 0	15,174 11 6

Punishments.		
Total number of dafadars and chaukidars punished	30,107	28,948
Number of dafadars and chaukidars dismissed	640	691
Number of dafadars and chaukidars judicially prosecuted and convicted.	189	343
Number of dafadars and chaukidars fined	29,278	27,914

Paragraph 23.—Cost of the department, 1942-43.

Net grant (including grants for Civic Guards and supplementary grants)—Rs. 2,10,05,900.

Details of the actual expenditure (preliminary).

	Rs.
(1) Pay of all ranks	1,35,09,470
(2) Travelling and other allowances	34,60,528
(3) Clothing, equipment, arms, accoutrements and ordnance stores ..	6,74,266
(4) Buildings (departmental)	4,52,968
(5) Rewards to police officers and men	95,521
(6) Rewards to private persons	21,878
(7) House rents, etc.	7,23,086
(8) Boat hire	1,74,350
(9) Hospital	1,77,937
(10) Civic Guards	4,59,153
(11) Charges in England	71,246
(12) Diet and travelling expenses of chaukidars and dafadars employed in connection with the tours of Their Excellencies the Viceroy and the Governor ..	2,681
(13) Miscellaneous, mainly contingencies, but including maintenance of saloons for Superintendents of Railway Police, purchase of motor cars, boats and stores for steamers, etc.	12,54,809
Total ..	2,10,77,893

Note.—These are preliminary figures which are liable to alteration when final adjustments are made by the Accountant-General, Bengal.

Paragraph 24—Buildings.—Statement showing particulars of expenditure during 1942-43.

Details.	1941-42. Rs. a. p.	1942-43. Rs. a. p.
1. Total expenditure incurred departmentally on police buildings (excluding petty repairs)	4,71,400 0 0	3,46,879 0 0
2. Expenditure incurred by the Communications and Works Department on buildings borne on their books (including repairs)	(*a*) 7,66,390 0 0	(*a*) 3,51,667 0 0
3. Total grant allotted to this Department for minor works (including a special grant of Rs. 1,60,000 for the execution of minor works included in the five years' programme)	2,18,000 0 0	2,18,000 0 0
4. Amount surrendered at the end of the year	42,869 0 0	(*b*) 1,29,350 0 0
5. Grant for major works in the Civil Works Budget	3,67,800 0 0	1,91,550 0 0
6. Actual expenditure for major works-in-progress	2,31,684 0 0	1,41,289 0 0

(*a*) These are preliminary figures which are liable to alteration after final adjustment in the Accountant-General, Bengal's office.

(*b*) Due to stoppage of work due to war.

SECTION VI.

Paragraph 25.—Cognizable Crime reported and total number of true cases.

Class.	Number of cases pending from the previous year.	Cases reported direct to Magistrate.						Number of cases pending from the previous year.	Cases reported to Police or taken up by Police.						Number of cases pending from the previous year.	Total cases.					
		Reported.			True.				Reported.			True.				Reported.			True.		
		1941.	1942.	increase + or decrease −.	1941.	1942.	increase + or decrease −.		1941.	1942.	increase + or decrease −.	1941.	1942.	increase + or decrease −.		1941.	1942.	increase + or decrease −.	1941.	1942.	increase + or decrease −.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Serial I and Class I ..	234	725	764	+39	598	544	−54	2,532	4,176	2,028	−2,148	1,475	1,202	−273	2,766	4,901	2,792	−2,109	2,073	1,742	−327
Class II ..	632	4,477	4,593	+116	3,664	3,727	+63	1,293	5,853	5,405	−448	3,735	3,573	−162	1,925	10,330	9,998	−332	7,399	7,300	−99
Class III ..	127	808	827	+19	641	602	−39	1,823	32,493	31,961	−532	30,623	29,990	−633	1,950	33,301	32,788	−513	31,264	30,592	−672
Class IV ..	305	1,669	1,572	−97	1,141	1,213	+72	56	322	228	−94	154	135	−19	361	1,991	1,800	−191	1,295	1,348	+53
Class V ..	6,980	30,222	32,432	+2,210	22,664	23,387	+723	2,933	25,227	23,826	−1,401	22,527	21,333	−1,194	9,913	55,449	56,258	+809	45,191	44,720	−471
Total of Classes I to V ..	8,278	37,901	40,188	+2,287	28,708	29,473	+765	8,637	68,071	63,448	−4,623	58,514	56,233	−2,281	16,915	105,972	103,636	−2,336	87,222	85,706	−1,516
Class VI ..	926	13,717	12,169	−1,548	12,924	11,780	−1,144	1,661	13,974	15,189	+1,215	13,016	14,317	+1,301	2,587	27,691	27,358	−333	25,940	26,097	+157
rand Total ..	9,204	51,618	52,357	+739	41,632	41,253	−379	10,298	82,045	78,637	−3,408	71,530	70,550	−980	19,502	133,663	130,994	−2,669	113,162	111,803	−1,359

Number of cognizable
Number of cases refe
Number of cases sent
Percentage of cases se
Number of cases pend
(i) Number of compla
up) referred to the
(b) *Investigation or ab*

Total number of Polic
Number of cases inves
True cases sent up (co
True cases not sent up
Percentage of Police in
Percentage of cases ser
Percentage of cases no
Percentage of cases of
Percentage of ordinary
Number of cases invest
had been refused by
(i) Number of such ca
(ii) Number of such ca

Proceedings under Sect
1. Number pendi
(a) Cases
(b) Person
2. Number institu
(a) Cases
(b) Person
3. Number convic
(a) Cases
(b) Person
4. Number pendi
(a) Cases
(b) Person
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Proceedings under Sectio
1. Number pendi
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(a) Cases
(b) Person
3. Number convic
(a) Cases
(b) Persons
4. Number pending
(a) Cases
(b) Persons
Incidence of burglar
Incidence of thefts p

Paragraph 26.—Investigation of crime by the Police.

(*a*) *Cases instituted by or before a Magistrate.*

	1941.	1942.	Increase+or decrease—.
Number of cognizable cases reported direct to the Magistrate ..	51,617	52,357	+740
Number of cases referred to the Police for investigation	675	742	+67
Number of cases sent up for trial	181	162	−19
Percentage of cases sent up for trial to cases referred for investigation ..	26·8	21·8	..
Number of cases pending at the close of the year	42	45	+3
(i) Number of complaints (in which no first information reports were drawn up) referred to the police for enquiry under section 202, Cr. P. C. ..	1,062	930	−132

(*b*) *Investigation or abstention from investigation of cases reported at Police-stations or taken up by the police and the result of investigation.*

	1941.	1942.	Increase+or decrease—.
Total number of Police cases (columns 4 and 5 of A-I and AA-I) ..	88,722	88,935	+213
Number of cases investigated by the Police (columns 7—10 of A-I and AA-I)	71,856	71,883	+27
True cases sent up (columns 11 and 12 of A-I and AA-I)	27,385	27,667	+282
True cases not sent up and refused (columns 13—6 of A-I and AA-I) ..	44,145	42,883	−1,262
Percentage of Police investigation to total of Police cases	80·9	80·8	..
Percentage of cases sent up to total number of cases investigated ..	38·1	38·4	..
Percentage of cases not sent up to total number of Police cases ..	49·7	48·2	..
Percentage of cases of house-breaking (serial No. 29) not investigated ..	12·9	14·9	..
Percentage of ordinary thefts (serial No. 33) not investigated ..	12·7	13·3	
Number of cases investigated under orders of Magistrate after investigation had been refused by the Police	170	176	..
(i) Number of such cases sent up in charge sheet	3	1	..
(ii) Number of such cases convicted	..	1	..

Proceedings under Section 110, Cr. P. C. :—

1. Number pending at the beginning of the year—			
(*a*) Cases	132	134	+2
(*b*) Persons	276	288	+12
2. Number instituted during the year—			
(*a*) Cases	583	402	−181
(*b*) Persons	1,253	789	−464
3. Number convicted during the year—			
(*a*) Cases	534	385	−149
(*b*) Persons	1,084	724	−360
4. Number pending at the end of the year—			
(*a*) Cases	134	110	−24
(*b*) Persons	288	241	−47
Number of proceedings in which the trial lasted over 3 months ..	130	111	..

Proceedings under Section 109, Cr. P. C.:—

1. Number pending at the beginning of the year—			
(*a*) Cases	156	177	+21
(*b*) Persons	233	262	+29
2. Number instituted during the year—			
(*a*) Cases	857	566	−291
(*b*) Persons	1,200	791	−409
3. Number convicted during the year—			
(*a*) Cases	643	470	−173
(*b*) Persons	837	572	−265
4. Number pending at the end of the year—			
(*a*) Cases	177	132	−45
(*b*) Persons	262	197	−65
Incidence of burglaries per 100,000 of the population	60·5	58·1	..
Incidence of thefts per 100,000 of the population	39·4	37·6	..

Paragraph 27.—Conviction in cognizable cases and number of persons convicted (excluding sessions cases).

Class.	Total Number of cases (reported and pending cases of last year).		Cases decided.		Cases ending in conviction.		Percentage of cases ending in conviction to cases decided.		Percentage of cases decided to total number of cases.		Number of persons tried.		Number of persons convicted.		Percentage of persons convicted to persons tried.	
	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Classes I to V.																
Magistrates' Cases ..	45,407	48,466	24,975	28,013	4,773	4,796	19·1	17·1	55·0	57·7	51,041	54,227	9,691	9,666	18·9	17·8
Police Cases	73,860	72,085	14,791	14,094	12,200	11,305	82·4	80·2	20·02	19·5	30,227	30,563	18,724	18,144	61·9	59·3
Total ..	119,267	120,551	39,766	42,107	16,973	16,101	42·1	38·2	33·3	34·9	81,268	84,790	28,415	27,810	34·9	32·8
Class VI.																
Magistrates' Cases ..	14,374	13,095	13,065	11,634	12,295	10,538	94·1	90·5	90·8	88·8	15,633	14,657	14,183	12,715	90·7	86·7
Police Cases	14,862	16,850	12,581	13,573	12,257	13,019	97·4	95·9	84·6	80·5	15,518	18,185	14,985	17,183	97·4	94·4
Total ..	29,236	29,945	25,646	25,207	24,552	23,557	95·7	93·4	87·7	84·2	31,151	32,842	29,168	29,898	93·6	91·03
Grand Total	148,503	150,496	65,412	67,314	41,525	39,658	63·4	58·9	44·04	44·7	112,419	117,632	57,583	57,708	51·2	49·05

Seasions cases.

	Figures for 1941.	Figures for 1942.
1. Number pending from the previous year—		
(i) Cases	309	323
(ii) Persons	1,063	1,384
2. Number committed during the year—		
(i) Cases	1,653	1,493
(ii) Persons	5,847	5,095
3. Total number for disposal—		
(i) Cases	1,962	1,816
(ii) Persons	6,910	6,479
4. Number tried during the year—		
(i) Cases	1,613	1,564
(ii) Persons	5,437	5,484
5. Number convicted during the year—		
(i) Cases	1,035	971
(ii) Persons	2,744	2,505
6. Number acquitted during the year—		
(i) Cases	578	593
(ii) Persons	2,693	2,979
7. Number withdrawn or otherwise disposed of—		
(i) Cases	26	45
(ii) Persons	89	342
8. Number pending at the end of the year—		
(i) Cases	323	207
(ii) Persons	1,384	653
9. Percentage of number tried to total number for disposal—		
(i) Cases	82·2	86·1
(ii) Persons	78·6	84·6
10. Percentage of number convicted to number tried—		
(i) Cases	64·1	62·08
(ii) Persons	49·5	45·6
11. Percentage of conviction in Police cases	65·8	63·7
12. Percentage of conviction in Magistrate's cases	40·4	39·6
13. Number of cases in which more than 4 months elapsed between commitment and trial	11	32
14. Number of cases in which Sessions Judges, disagreeing with the verdict of the jurrors, made references to the High Court ..	35	33
(i) Number of such cases convicted	11	14
(ii) Number of the cases acquitted	19	13
15. Number of appeal against acquittal	1	1 (acquitted on retrial).

ns cases).

r-	Percentage of persons convicted to persons tried.	
2.	1941.	1942.
	16	17
66	18·9	17·8
44	61·9	59·3
10	34·9	32·8
15	90·7	86·7
83	97·4	94·4
98	93·6	91·03
08	51·2	49·05

igures for 1942.

323
1,384

1,493
5,095

1,816
6,479

1,564
5,484

971
2,505

593
2,979

45
342

207
653

86·1
84·6

62·08
45·6
63·7
39·6

32

33
14
13
1

cquitted on retrial).

Paragraph 28.—Results of investigations and trials in other provinces.

The comparative table below shows the results of investigations and trials in some of the other provinces in 1941 and in Bengal 1941 and 1942:—

Province.	Percentage of cases investigated by the Police (columns 7-10 of Statements A-I and AA-I) to cases reported (columns 4 and 5 of Statements A-I and AA-I).	Percentage of Police cases ending in conviction (column 11 of Statements A-I and AA-II to cases decided (columns 11 and 12 of Statements A-I and AA-I).	Percentage of persons convicted in Police cases (column 9 of Statements A-II and AA-II) to persons tried (column 8 of Statements A-II and AA-II).	Percentage of persons tried to those arrested in Police cases excluding persons under custody or on bail pending trial or investigation and those whose cases were compounded or otherwise disposed of.
1	2	3	4	5
Bombay, 1941 ..	80·02	94·04	73·5	92·3
Bihar, 1941 ..	88·9	84·4	64·7	79·7
Orissa, 1941 ..	86·3	88·2	71·5	95·3
Bengal, 1941 ..	80·9	89·3	73·6	70·7
Bengal, 1942 ..	80·8	87·9	72·4	71·05

Paragraph 29.—Remands—Subsidiary Statement, 1942.

District	Number of charge sheets during the year 1942.	Number of charge sheets disposed of during 1942.	Total Number of remands subsequent to a receipt of charge sheets.	Average number of remands per case.	Total number of remands subsequent to first date of hearing.	Average number of remands per case.	Average time elapsing between submission of charge sheet and examination of first witness.	Average time elapsing between submission of charge sheet and passing of final judgment (sessions cases excluded).
1	2	3	4	5	6	7	8	9
24-Parganas	1,627	1,228	6,927	5·9	5,490	4·7	32·3 (days)	98·7 (days)
Nadia	674	560	2,051	3·6	1,893	3·3	16	37
Murshidabad	463	321	1,830	5·7	1,108	3·4	23	80
Jessore	492	392	2,134	5·4	1,424	3·6	28·4	54
Khulna	743	575	3,481	6·05	2,204	3·8	30·5	70·5
Total ..	3,999	3,076	16,423	5·4	12,119	4·03	27·4	73·9
Burdwan	867	666	2,262	3·3	1,509	2·2	18·8	42·2
Birbhum	202	160	618	3·8	384	2·4	18·2	56
Bankura	277	215	693	3·2	629	2·9	26·9	33
Midnapore	761	643	2,686	4·2	1,490	2·3	24·4	50·2
Hooghly	569	420	1,479	3·5	1,044	2·4	19	37
Howrah	765	634	2,006	3·3	1,801	3	13	48
Total ..	3,441	2,738	9,744	3·6	6,857	2·5	19·4	44·6
Rajshahi	526	445	1,376	3	967	2·1	21·5	41·7
Dinajpur	703	553	3,747	6·7	2,477	4·4	33·3	75·8
Jalpaiguri	457	349	1,181	3·3	618	1·7	23·6	36·8
Rangpur	736	499	2,004	4	1,274	2·5	25	52·7
Bogra	391	270	958	3·5	908	3·3	33·1	47·4
Pabna	530	392	1,444	3·7	1,057	2·7	31	65
Malda	339	266	700	2·6	615	2·3	22	42
Darjeeling	513	445	989	2·2	559	1·2	14	24
Total ..	4,195	3,219	12,399	3·8	8,475	2·6	25·4	49·6
Dacca	1,788	1,287	6,942	5·4	4,405	3·4	29	111
Mymensingh	1,843	1,337	6,213	4·6	4,155	3·1	24	52
Faridpur	864	647	2,850	4·4	2,358	3·6	25·6	64·4
Total ..	4,495	3,271	16,005	4·8	10,918	3·3	26·2	77·6
Bakarganj	1,335	899	4,711	5·2	3,172	3·5	35	60
Tippera	1,181	856	3,149	4·1	2,934	3·8	27	60
Noakhali	560	437	1,609	3·8	1,256	3	30	68
Chittagong	975	700	2,200	3·1	2,007	2·8	17	43
Total ..	4,051	2,892	11,669	4·2	9,369	3·3	27·5	56·9
Grand Total ..	20,181	15,196	66,240	4·4	47,738	3·1	25·3	61·1

Paragraph 29—Remands *(contd)*.—Statement showing the number of cases, excluding sessions cases, the trials of which have extended over—1942.

District.	One month.	Two months.	Three months.	Four months.	Five months.	Six months.	Remarks.
24-Parganas ..	379	260	131	70	..	316	
Nadia ..	121	69	36	5	..	..	
Murshidabad ..	83	59	29	30	..	..	
Jessore ..	113	49	12	5	2	..	
Khulna ..	109	86	60	102	..	75	
Total ..	805	523	268	212	2	391	
Burdwan	205	71	37	32	12	7	
Birbhum ..	49	38	16	5	2	1	
Bankura ..	81	17	8	15	..	..	
Midnapore ..	170	109	51	36	..	5	
Hooghly ..	91	44	31	23	18	19	
Howrah ..	168	80	25	17	..	2	
Total ..	764	359	168	128	32	34	
Rajshahi	119	68	37	19	..	3	
Dinajpur ..	154	86	68	35	18	37	
Jalpaiguri ..	54	22	14	2	1	..	
Rangpur ..	98	59	33	32	..	7	
Bogra ..	49	51	43	24	27	..	
Pabna	103	69	49	27	8	11	
Malda ..	60	28	13	1	..	1	
Darjeeling ..	68	19	1	3	..	3	
Total ..	705	402	258	143	54	62	
Dacca	398	229	136	79	40	27	
Mymensingh ..	366	244	120	87	..	55	
Faridpur ..	190	68	42	21	..	7	
Total ..	954	541	298	187	40	89	
Bakarganj	225	155	91	81	15	20	
Tippera	159	143	89	53	23	22	
Noakhali	111	108	76	44	24	16	
Chittagong	223	114	57	7	3	..	
Total ..	718	520	313	185	65	58	
Grand Total ..	3,946	2,345	1,305	855	193	634	

Paragraph 30.—Prose

District.
1
24-Parganas .. ..
Nadia .. ..
Murshidabad .. ..
Jessore .. ..
Khulna .. ..
Total ..
Burdwan .. ..
Birbhum .. ..
Bankura .. ..
Midnapore .. ..
Hooghly .. ..
Howrah .. ..
Total
Rajshahi ..
Dinajpur ..
Jalpaiguri ..
Rangpur ..
Bogra ..
Pabna ..
Malda ..
Darjeeling ..
Tota
Dacca ..
Mymensingh ..
Faridpur ..
Total
Bakarganj ..
Tippera ..
Noakhali ..
Chittagong ..
Total
Grand Total

the trials of which

Remarks.

Paragraph 30.—Prosecution for institution of false cases, 1942.

District.	Number of cases decided by Magistrates to be maliciously false.		Number of false cases in which prosecutions were undertaken.		Number of false cases in which conviction was obtained.		Number of false cases in which compensation was awarded under section 250 Cr. P. C.		Percentage of false cases in which prosecution was undertaken to total false cases.		Percentage of false cases ending in conviction to total number of false cases prosecuted.		Percentage of false cases in which compensation was awarded to total number of false cases,.	
1	1941	1942	1941	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.
	2	3	4	5	6	7	8	9	10	11	12	13	14	15
24-Parganas	90	55	57	27	21	11	1	..	63·3	49·09	36·8	40·7	1·1	..
Nadia	31	25	18	16	8	11	..	..	58	64	44·4	68·7	..	..
Murshidabad	29	26	5	7	2	5	..	..	17·2	26·9	40	71·4	..	..
Jessore	19	39	13	18	7	9	..	..	68·4	40·9	53·8	50	..	..
Khulna	87	64	19	6	4	6	2	..	21·8	9·3	21·05	100	2·3	..
Total ..	256	209	112	74	42	42	3	..	43·7	35·4	37·5	56·7	1·1	..
Burdwan	25	25	9	10	4	4	..	..	36	40	44·4	40	..	..
Birbhum	8	15	4	2	2	1	2	..	50	13·3	50	50	25	..
Bankura	24	14	6	5	3	2	..	..	25	35·7	50	40	..	..
Midnapore	43	33	22	22	7	11	3	1	51·2	66·6	31·8	50	7	3·03
Hooghly	42	18	11	7	5	4	..	..	26·1	38·8	45·4	57·1	..	..
Howrah	50	30	38	10	11	3	1	..	76	33·3	28·9	30	2	..
Total	192	135	90	46	32	25	6	1	46·8	34·07	35·5	54·5	3·1	·74
Rajshahi	43	29	14	11	5	4	..	1	32·5	37·9	35·7	36·3	..	3·4
Dinajpur	23	25	3	3	2	2	..	..	13·04	12	66·6	66·6	..	..
Jalpaiguri	26	19	15	3	6	2	4	2	57·6	16·6	40	66·6	15·3	11·1
Rangpur	36	17	13	4	4	3	..	..	36·1	23·5	30·7	75	..	..
Bogra	22	7	8	3	3	2	..		36·3	42·8	37·5	66·6	..	..
Pabna	32	27	8	10	..	9	..	..	25	37·03	..	90	..	..
Malda	18	20	12	7	..	2	2	..	66·6	35	..	28·5	11·1	..
Darjeeling	13	10	5	4	3	2	..	..	38·4	40	60	50	..	..
Total	213	154	78	45	23	26	6	3	36·6	29·2	29·4	57·7	2·8	1·9
Dacca	70	83	20	12	9	4	..	..	28·5	14·4	45	33·3	..	..
Mymensingh	102	80	42	23	6	2	..	..	41·1	28·7	14·2	8·6	..	..
Faridpur	26	54	11	33	..	10	1	3	42·3	60	3·3	3·3	3·8	5·4
Total ..	198	217	73	68	15	16	1	3	36·8	31·3	20·5	23·5	·5	1·3
Bakarganj	166	129	70	51	14	12	3	3	42·1	39·5	20	23·5	1·8	2·3
Tippera	74	45	47	23	9	5	2	3	63·5	51·1	19·1	21·7	2·7	6·6
Noakhali	44	23	15	6	10	3	2	1	34·09	26·08	66·6	50	4·5	4·3
Chittagong	63	61	36	20	4	4	2	..	57·1	32·8	11·1	20	3·1	..
Total ..	347	258	168	100	37	24	9	7	48·4	38·7	22·02	24	2·5	2·7
Grand Total ..	1,206	973	521	333	149	133	25	14	43·2	34·2	28·5	39·9	2·07	1·4

Paragraph 31.—Serious crime and Police work—The statement below shows the number of true cases under the various heads :—

District.	Riot.		Coining.		Note-forgery.		Murder.		Culpable homicide.		Dacoity.	
	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.
1	2	3	4	5	6	7	8	9	10	11	12	13
24-Parganas ..	54	55	4	11	1	1	50	38	16	21	65	61
Nadia	19	22	2	1	..	..	14	17	8	11	14	38
Murshidabad ..	18	14	1	1	..	..	15	16	12	14	30	33
Jessore	24	51	2	4	1	2	23	15	14	13	17	15
Khulna	37	35	5	5	..	2	35	26	9	11	30	30
Total ..	152	177	14	22	2	5	137	112	59	70	156	177
Burdwan	18	15	..	..	..	2	13	16	8	10	56	85
Birbhum	6	6	2	2	..	..	11	5	3	3	32	21
Bankura	10	12	..	..	9	..	8	8	4	2	30	51
Midnapore ..	23	29	1	1	26	5	26	31	20	11	53	122
Hooghly	14	15	6	1	..	..	11	10	9	12	33	56
Howrah	16	17	7	3	17	2	8	11	6	4	26	58
Total ..	87	94	16	7	52	9	77	81	50	42	230	393
Rajshahi	20	19	8	2	3	4	22	20	13	10	37	
Dinajpur	19	11	2	2	..	..	10	18	3	2	46	78
Jalpaiguri	23	8	..	2	..	..	10	11	5	3	12	31
Rangpur	22	30	5	5	2	..	16	17	16	15	41	67
Bogra	7	5	3	1	1	2	22	15	9	8	4	21
Pabna	27	18	1	2	1	2	9	12	8	11	21	18
Malda	20	18	1	1	1	..	11	5	7	11	27	21
Darjeeling	3	3	3	1	..	..	..	3	..	5	4	2
Total ..	141	112	23	16	8	8	100	101	61	65	192	286
Dacca	347	133	2	5	1	..	118	66	29	34	71	122
Mymensingh ..	92	121	2	1	4	2	67	103	73	92	44	62
Faridpur	71	70	2	1	1	1	21	23	24	29	17	22
Total ..	510	324	6	7	6	3	206	192	126	155	132	206
Bakarganj	121	132	8	5	1	2	62	76	31	38	61	97
Tippera	46	39	7	17	3	1	20	17	21	21	22	57
Noakhali	22	29	4	6	..	..	8	12	9	16	14	29
Chittagong ..	38	32	1	3	..	..	7	17	6	6	17	41
Total ..	227	232	20	31	4	3	97	122	67	81	114	224
Grand Total ..	1,117	939	79	83	72	28	617	608	363	413	824	1,286

Paragraph 31—*(contd.)*.—**Serious crime and Police work—The statement below the number of true cases under the various heads :—**

District.	Robbery.		Burglary.		Theft (ordinary).		Cattle theft.		Total.	
	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.
1	14	15	16	17	18	19	20	21	22	23
24-Parganas ..	36	42	1,730	1,366	1,602	1,375	82	61	3,640	3,031
Nadia	18	20	799	868	541	514	21	21	1,436	1,512
Murshidabad ..	10	9	816	927	568	516	22	17	1,492	1,547
Jessore	15	17	1,258	1,039	535	414	37	20	1,926	1,590
Khulna	16	16	1,542	881	799	537	10	15	2,483	1,558
Total ..	95	104	6,145	5,081	4,045	3,356	172	134	10,977	9,238
Burdwan	35	47	893	925	1,457	1,371	70	54	2,550	2,525
Birbhum	10	8	200	156	272	177	27	4	563	382
Bankura	11	12	270	352	290	331	33	20	665	788
Midnapore ..	57	79	1,305	1,143	1,219	1,071	60	47	2,790	2,539
Hooghly	17	22	634	841	745	658	25	25	1,494	1,640
Howrah	23	21	401	432	910	854	13	22	1,427	1,424
Total ..	153	189	3,703	3,849	4,893	4,462	228	172	9,489	9,298
Rajshahi	23	35	1,226	1,148	634	601	13	14	2,001	1,901
Dinajpur	19	25	771	810	644	695	39	32	1,553	1,673
Jalpaiguri	10	18	619	587	382	376	50	24	1,111	1,060
Rangpur	16	19	1,488	1,469	511	482	39	32	2,156	2,136
Bogra	9	4	295	371	204	241	7	11	561	679
Pabna	12	21	962	1,167	365	426	8	11	1,414	1,688
Malda	12	22	339	288	340	250	45	35	803	651
Darjeeling	5	2	216	174	346	372	13	5	590	567
Total ..	108	146	5,916	6,014	3,426	3,443	214	164	10,189	10,355
Dacca	38	61	3,408	3,824	1,409	1,633	36	32	5,459	5,910
Mymensingh ..	23	25	2,487	3,009	783	879	46	52	3,621	4,346
Faridpur	11	17	1,120	987	402	370	34	29	1,703	1,549
Total ..	72	103	7,015	7,820	2,594	2,882	116	113	10,783	11,805
Bakarganj ..	44	39	1,723	1,410	781	664	71	41	2,903	2,504
Tippera	8	14	1,543	1,456	631	747	4	25	2,305	2,394
Noakhali	8	5	1,361	1,074	369	375	37	26	1,832	1,572
Chittagong ..	20	22	882	652	689	636	13	2	1,673	1,411
Total ..	80	80	5,509	4,592	2,470	2,422	125	94	8,713	7,881
Grand Total ..	508	622	28,288	27,356	17,428	16,565	855	677	50,151	48,577

Paragraph 31 *(contd.)* — **Reported cases of missing persons and property in which no first information reports were recorded 1942.**

District.	Reported missing.			Recovered.		
	Number of persons.	Number of boats.	Number of cattle.	Number of persons.	Number of boats.	Number of cattle.
24-Parganas	1,334	116	12,286	59	32	251
Nadia	18	41	354	15	17	197
Murshidabad	26	25	211	15	14	78
Jessore	17	35	214	14	6	58
Khulna	29	377	1,132	13	59	171
Total ..	1,424	594	14,197	116	128	755
Burdwan	72	22	250	64	18	76
Birbhum	6	..	111	4	..	41
Bankura	53	2	173	17	..	70
Midnapore	..	29	153	..	3	31
Hooghly	95	15	80	25	4	13
Howrah	142	4	147	119	3	79
Total ..	368	72	914	229	28	310
Rajshahi	30	15	145	25	4	61
Dinajpur	23	1	339	10	1	112
Jalpaiguri	33	..	205	7	..	26
Rangpur	46	34	220	38	4	57
Bogra	22	13	372	15	3	66
Pabna	40	267	487	37	68	177
Malda	16	9	297	10	5	60
Darjeeling	..	..	..	..	..	..
Total ..	210	339	2,065	142	85	559
Dacca	89	326	349	59	66	68
Mymensingh	46	337	1,032	31	92	201
Faridpur	63	372	570	43	82	117
Total ..	198	1,035	1,951	133	240	386
Bakarganj	82	398	865	40	33	121
Tippera	50	506	651	36	60	127
Noakhali	25	77	407	7	33	41
Chittagong	..	..	27	..	..	18
Total ..	157	981	1,950	83	126	307
Grand Total ..	2,357	3,021	21,077	703	607	2,317

Paragraph

1. Riot:—
   (1) Number
   (2) Number
   (3) Number
   (*i*) Cases
   (*ii*) Pers
   (4) Numbe
   (*i*) Case
   (*ii*) Pers
   (5) Number
   (6) Number
   (7) Number
   (8) Number notice
   (9) Number Code
   (10) Numbe cedure
   (11) Number of Act
2. Coining:—
   (1) Number
   (2) Number
   (3) Number
   (*i*) Cases
   (*ii*) Pers
   (4) Number
   (*i*) Cases
   (*ii*) Pers

The statement treasuries a the followi
Bengal
Bihar
Bombay
Madras
Orissa
Punjab
United P

3. Note forgery:—
   (1) Number
   (2) Number
   (3) Number
   (*i*) Cases
   (*ii*) Pers
   (4) Number
   (*i*) Cases
   (*ii*) Pers
4. Murder:—
   (1) Number
   (2) Number
   (3) Number
   (*i*) Cases
   (*ii*) Pers
   (4) Number
   (*i*) Cases
   (*ii*) Pers
   (5) Number
   (6) Number
5. Culpable homi
   (1) Number
   (2) Number
   (3) Number
   (*i*) Cases
   (*ii*) Pers
   (4) Number
   (*i*) Cases
   (*ii*) Pers

orts were recorded

d.	
of	Number of cattle.
32	251
17	197
14	78
6	58
59	171
128	755
18	76
	41
	70
3	31
4	13
3	79
28	310
4	61
1	112
	26
4	57
3	66
68	177
5	60
..	
85	559
66	68
92	201
82	117
240	386
33	121
60	127
33	41
	18
126	307
307	2,317

Paragraph 31 *(contd.)*.—**Further particulars about serious crime are given below under the different heads :—**

	1941.	1942.	Increases+, Decreases—.
1. Riot:—			
(1) Number reported during the year	3,723	1,713	—2,010
(2) Number of true cases	1,117	939	—178
(3) Number tried—			
(*i*) Cases	647	630	—17
(*ii*) Persons	6,408	6,556	+148
(4) Number convicted—			
(*i*) Cases	403	359	—44
(*ii*) Persons	3,116	2,867	—249
(5) Number ending in loss of life	164	189	+25
(6) Number connected with land disputes	413	411	—2
(7) Number of warning notices issued	18,453	16,389	—2,064
(8) Number of instances in which rioting took place after issue of warning notices	2	4	+2
(9) Number of persons bound down under section 106, Criminal Procedure Code	314	322	+8
(10) Number of persons bound down under section 107, Criminal Procedure Code	691	297	—394
(11) Number of persons appointed Special Police Officers under section 17 of Act V of 1861	1,973	1,893	—80
2. Coining:—			
(1) Number reported during the year	114	77	—37
(2) Number of true cases	79	83	+4
(3) Number tried—			
(*i*) Cases	70	76	+6
(*ii*) Persons	97	107	+10
(4) Number convicted—			
(*i*) Cases	63	68	+5
(*ii*) Persons	73	76	+3
The statement below shows the number of counterfeit rupees received at treasuries and railway stations or produced in law courts in Bengal and the following other Provinces:—			
Bengal	26,675	16,076	—10,599
Bihar	7,418	1,894	—5,524
Bombay	1,30,830	1,22,218	—8,612
Madras	26,274	33,201	+6,927
Orissa	625	994	+369
Punjab	14,281	6,211	—8,070
United Provinces	14,948	2,603	—12,345
3. Note forgery:—			
(1) Number reported during the year	95	34	—61
(2) Number true cases	72	28	—44
(3) Number tried—			
(*i*) Cases	17	13	—4
(*ii*) Persons	22	24	+2
(4) Number convicted—			
(*i*) Cases	11	8	—3
(*ii*) Persons	11	13	+2
4. Murder:—			
(1) Number reported during the year	739	797	+58
(2) Number of true cases	617	608	—9
(3) Number tried—			
(*i*) Cases	221	214	—7
(*ii*) Persons	585	538	—47
(4) Number convicted—			
(*i*) Cases	66	69	+3
(*ii*) Persons	137	105	—32
(5) Number of gunshot murder excluding those committed by dacoits	4	13	+9
(6) Number of murders by poison	5	11	+6
5. Culpable homicide not amounting to murder:—			
(1) Number reported during the year	432	496	+64
(2) Number of true cases	363	413	+50
(3) Number tried—			
(*i*) Cases	263	292	+29
(*ii*) Persons	692	918	+226
(4) Number convicted—			
(*i*) Cases	168	169	+1
(*ii*) Persons	311	390	+79

Paragraph 31. *(contd).*—**Further particulars about serious crime are given below under the different heads :—**

	1941.	1942.	Increases+, Decreases—.
6. Poisoning:—			
(1) Number reported during the year	24	48	+24
(2) Number of true cases	21	34	+13
(3) Number tried—			
(*i*) Cases	5	10	+5
(*ii*) Persons	6	15	+9
(4) Number convicted—			
(*i*) Cases	4	6	+2
(*ii*) Persons	4	7	+3
(5) Number of cases of professional nature	3	7	+4
(6) Number of cases in which wives poisoned their husbands	2	9	+7
7. Infanticide:—			
(1) Number of cases reported during the year	7	9	+2
(2) Number tried—			
(*i*) Cases	4	3	−1
(*ii*) Persons	7	3	−4
(3) Number convicted—			
(*i*) Cases	2	1	−1
(*ii*) Persons	3	1	−2
8. Dacoity:—			
(1) Number reported during the year	1,026	1,822	+796
(2) Number of true cases	824	1,286	+462
(3) Number tried—			
(*i*) Cases	243	349	+106
(*ii*) Persons	372	1,886	+514
(4) Number convicted—			
(*i*) Cases	140	223	+83
(*ii*) Persons	608	870	+262
(5) Percentage of cases convicted to total number of true cases	16·9	17·3	..
(6) Number of cases in which property stolen was below Rs. 200	406	581	+175
(7) Number of cases in which complainants or villagers were killed	22	34	+12
(8) Number of cases in which complainants or villagers were seriously injured	67	111	+44
(9) Number of cases in which the dacoits were armed with gunns	20	62	+42
(10) Number of cases in which resistance was offered to the dacoits	36	100	+64
(11) Number of cases in which firearms were used against dacoits	1	13	+12

Below is given the dacoity figures of other provinces in 1941 and those of Bengal in 1941 and 1942 and the proportion of Police:—

Province.	Number of true cases of dacoity.	Proportion of Police. (*i*) to area in square miles.	Proportion of Police. (*ii*) to population as per census figures of 1931.
Bombay	282	1 to 4·04	1 to 958
Bihar	715	1 to 5·6	1 to 2,141
Orissa	31	1 to 8·4	1 to 2,042
Bengal (1941)	824	1 to 2·8	1 to 1,911
Bengal (1942)	1,286	1 to 2·8	1 to 1,901

A statement showing details of dacoities is enclosed.

9. Robbery:—			
(1) Number of cases reported during the year	753	869	+116
(2) Number of true cases	508	622	+114
(3) Number tried—			
(*i*) Cases	160	162	+2
(*ii*) Persons	338	367	+29
(4) Number convicted—			
(*i*) Cases	107	105	−2
(*ii*) Persons	171	192	+21

nt heads :—

Increases+, Decreases−.	
48	+24
34	+13
10	+5
15	+9
6	+2
7	+3
7	+4
9	+7
9	+2
3	−1
3	−4
1	−1
1	−2
1,822	+796
1,286	+462
349	+106
1,886	+514
223	+83
870	+262
17·3	..
581	+175
34	+12
111	+44
62	+42
100	+64
13	+12

2 and the proportion

portion of Police.

area	(ii) to population as per census figures of 1931.
4·04	1 to 958
5·6	1 to 2,141
8·4	1 to 2,042
2·8	1 to 1,911
2·8	1 to 1,901
869	+116
622	+114
162	+2
367	+29
105	−2
192	+21

Paragraph 31 *(contd).*—**Further particulars about serious crime are given below under the different heads :—**

		1941.	1942.	Increases+ Decreases−
10.	Burglary:—			
	(1) Number reported during the year	29,497	28,334	−1,163
	(2) Number of true cases	28,288	27,356	−932
	(3) Number tried—			
	(*i*) Cases	2 056	2,045	−11
	(*ii*) Persons	2,912	2,934	+22
	(4) Number convicted—			
	(*i*) Cases	1,637	1,603	−34
	(*ii*) Persons	1,993	1,994	+1
	(5) Percentage of cases convicted to total number of true cases	5·7	5·7	..
11.	Theft:—			
	(1) Number reported during the year	19,211	18,332	−879
	(2) Number of true cases	17,428	16,565	−863
	(3) Number tried—			
	(*i*) Cases	5,313	4,824	−489
	(*ii*) Persons	7,099	6,805	−294
	(4) Number convicted—			
	(*i*) Cases	4,849	4,305	−544
	(*ii*) Persons	5,722	5,265	−457
	(5) Percentage of cases convicted to total number of true cases	27·8	25·9	..
12.	Cattle theft:—			
	(1) Number reported during the year	1,048	814	−234
	(2) Number of true cases	855	677	−178
	(3) Number tried—			
	(*i*) Cases	508	436	−72
	(*ii*) Persons	746	681	−65
	(4) Number convicted—			
	(*i*) Cases	459	371	−88
	(*ii*) Persons	572	470	−102
	(5) Percentage of cases convicted to total true cases	53·6	54·8	..
13.	Theft of fire-arms:—			
	(1) Number reported during the year	36	70	+34
	(2) Number convicted—			
	(*i*) Cases	2	2	..
	(*ii*) Persons	2	2	..
14.	Cattle poisoning:—			
	(1) Number reported during the year	132	124	−8
	(2) Number convicted—			
	(*i*) Cases	42	35	−7
	(*ii*) Persons	51	48	−3
15.	Swindling:—			
	(1) Number reported during the year	508	440	−68
	(2) Number of true cases	369	291	−78
	(3) Number tried—			
	(*i*) Cases	269	213	−56
	(*ii*) Persons	452	379	−73
	(4) Number convicted—			
	(*i*) Cases	229	182	−47
	(*ii*) Persons	314	240	−74
16.	Offences against women:—			
	(1) Number of cases reported during the year under the following heads—			
	(*i*) Kidnapping	133	122	−11
	(*ii*) Abduction	294	210	−84
	(*iii*) Outraging modesty	421	290	−131
	(*iv*) Rape	214	179	−35
	(*v*) Trading in minor girls for prostitution	3	3	..
	Total	1,065	804	−261
	(2) Number of cases declared to be false, non-cognizable, mistake of fact or mistake of law	297	271	−26
	(3) Number of cases finally reported as true	199	193	−6
	(4) Number of cases in which charge sheets were submitted	509	379	−130
	(5) Number of cases convicted	200	126	−74
	(6) Number of cases under trial at the end of the year	145	116	−29

Two statements containing other particulars are enclosed.

Paragraph 31 (*contd*).—**Further particulars about serious crime are given below under the different heads :—**

	1941.	1942.	Increases+, Decreases—.
17. Recovery of stolen property:—			
(1) Number of cases in which property was stolen (cognizable cases) ..	47,596	47,410	—186
(2) Number of cases (cognizable) in which property was recovered ..	13,618	12,781	—837
(3) Percentage of cases in which property was recovered to cases in which property was stolen	28·6	26·9	..
(4) Percentage of value of property recovered to value of property stolen	8·6	7·7	..
18. Arrests *flagrante delicto*:—			
Number of such arrests of burglars and thieves during the year ..	1,293	1,097	—196
19. Juvenile offenders convicted of offences against property during the year ..	919	619	—300
20. Complicity of the rural police in serious crime:—			
(1) Number convicted—			
(*i*) Dafadars	4	6	+2
(*ii*) Chaukidars	22	18	+4
(2) Number suspected—			
(*i*) Dafadars	6	10	+4
(*ii*) Chaukidars	46	64	—18
21. Complicity of members of Union Boards in serious crime:—			
(1) Number convicted—			
(*i*) Presidents	2	2	..
(*ii*) Vice-Presidents	2	..	—2
(*iii*) Members	1	..	—1
(2) Number suspected—			
(*i*) Presidents		3	+3
(*ii*) Vice-Presidents	..	..	..
(*iii*) Members	1	..	—1
(3) Number pending trial at the end of the year—			
(*i*) Presidents	2	4	+2
(*ii*) Vice-Presidents	2	1	—1
(*iii*) Members	1	3	+2
(4) Number in custody pending investigation:—			
(*i*) Presidents		3	+3
(*ii*) Vice-Presidents	..	..	..
(*iii*) Members	1	..	—1
22. Reported cases of missing persons and property in which no First Information Reports were recorded:—			
(1) Number of persons—			
(*i*) Missing	..	2,357	
(*ii*) Recovered	..	703	
(2) Number of boats—			
(*i*) Missing	..	3,021	
(*ii*) Recovered	..	607	
(3) Number of cattle—			
(*i*) Missing	..	21,077	
(*ii*) Recovered	..	2,317	

A statement showing figures for each district is enclosed.

23. Bail—			
(1) Number of persons while on bail in cognizable and non-bailable offences, known to be concerned in fresh cognizable and non-bailable offences during the year	69	51	
(*i*) Number of such persons convicted in the fresh crime ..	18	10	
(*ii*) Number of such persons pending trial at the end of the year		11	
(2) Number of persons bound down under section 118, Criminal Procedure Code, known to be concerned in crime against property during the currency of the bond	20	5	
(*i*) Number of such persons convicted	7	1	
(*ii*) Number of such persons pending trial at the end of the year		4	
(3) Number of persons while on bail during the pendency of proceedings under section 109 and 110, Criminal Procedure Code, known to have been concerned in crime against property	23	3	
(*i*) Number of such persons convicted	6	1	
(*ii*) Number of such persons pending trial at the end of the year		..	

Serial No.	Nature
1	
1	House dacoit
2	River dacoit
3	Boat daco river daco
4	Mail dacoity
5	Road dacoit dacoity.
6	Train dacoit

Serial No.	Nature o
1	
1	Kidnapping
2	Abduction
3	Assault with rage modes
4	Buying or girls for pr
5	Rape
	T

Religion of the vict

1	
Hindus ..	
Muslims ..	
Of other religion	
Total	

Paragraph 31 *(contd)*.—Details of Dacoities in Bengal, 1942.

Serial No.	Nature of crime.	Number of cases reported during 1942, including the petition cases referred to police for regular investigation.	Number which appeared to be technical in nature.	Number in which the foodstuffs only were looted.	Number in which the property stolen was under Rs. 200.	Number in which complainants or villagers were—		Number in which resistance was offered by villagers of complaints.	Number in which fire-arms were used against dacoits.	Number in which the dacoits were armed with guns.	Number of dacoits captured at or near the spot by police or villagers.	Number of cases in which charge sheets were submitted.	Number of cases ending in conviction.	Remarks.
						Killed.	Seriously injured.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	House dacoity ..	1,583	149	26	490	33	93	93	13	62	43	363	202	..
2	River dacoity ..	121	9	17	41	..	7	4	..	..	13	15	4	..
3	Boat dacoity other than river dacoity.	39	13	13	16	..	..	..	..	..	..	10	3	..
4	Mail dacoity ..	1	..	..	..	..	..	..	..	..	..	..	..	..
5	Road dacoity other than mail dacoity.	96	11	3	34	..	10	2	..	..	2	16	14	..
6	Train dacoity ..	1	..	..	..	1	1	1	..	..	..	..	..	
	Total ..	1,841	182	59	581	34	111	100	13	62	58	404	223	

Details of cases in connection with offences against women for the year 1942.

Serial No.	Nature of offence.	Number of cases reported to the police or received by the police for investigation during the year 1942.	Number of cases declared false, non-cognizable, mistake of fact or mistake of law.	Number of cases declared true or refused investigation.	Number of cases pending with police at the end of the year.	Cases sent up in charge sheet.			Cases in which the victims are—							Cases in which the culprits are both Hindus and Muslims.	Remarks.
						Convicted.	Acquitted or discharged.	Pending trial.	Of the same community as offender.	Hindus but the offenders are Muslims.	Muslims but the offenders are Hindus.	Hindus but the offenders are of other religion.	Muslims but the offenders are of other religion.	Of other religion but the offenders are Hindus.	Of other religion but the offenders are Muslims.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	Kidnapping ..	122	55	28	3	18	20	24	53	9	..	..	..	..	..	5	..
2	Abduction ..	210	99	33	16	18	32	20	90	13	1	..	..	..	..	7	..
3	Assault with intent to outrage modesty.	290	59	86	15	64	52	42	162	36	13	4	1	1	4	5	5
4	Buying or selling minor girls for prostitution.	3	1	..	..	..	2	..	2	..	..	..	..	..	..	..	..
5	Rape	179	57	46	9	26	31	30	98	14	3	1	1	1	1	2	1
	Total ..	804	271	193	43	126	137	116	405	72	17	5	2	2	5	19	6

Subsidiary statement in connection with offences against women for the year 1942.

Religion of the victims.	Number of true cases of offences against women during the year 1942.	Number of victims			Number of offenders.			Number of offenders sent up in charge sheet.									Remarks.
								Convicted.			Acquitted or discharged.			Pending trial including absconders.			
		Hindus.	Muslims.	Of other religion.	Hindus.	Muslims.	Of other religion.	Hindus.	Muslims.	Of other religion.	Hindus.	Muslims.	Of other religion.	Hindus.	Muslims.	Of other religion.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Hindus	230	230	..	..	265	122	4	49	23	1	82	43	..	50	19	1	..
Muslims	293	..	293	..	19	656	4	4	163	..	3	158	1	..	201	..	..
Of other religion ..	10	..	..	10	2	5	2	..	..	..	..	4	..	..	..	..	..
Total ..	533	230	293	10	286	783	10	53	186	1	85	205	1	50	220	1	..

SECTION VIII.

Paragraph 33.—Working of the Criminal Investigation Department, 1942.

The table below shows the nature and number of cases investigated during the year by the officers of this Department in co-operation with the Calcutta and the District Police :—

Nature of Crime.	Investigated. Number of cases.	Convicted. Cases.	Convicted. Persons.	Sub-Judice. Cases.	Sub-Judice. Persons.	Number of cases pending investigation at the end of the year.
Dacoity	187	26	109	11	92	48
Gang case	1	..	..	1	22	..
Conspiracy	5	1	2	4	36	..
Swindling	8	1	1	..	..	3
Note forgery	3	3	6	..	..	..
Bogus money order fraud	3	1	1	2	6	..
Insurance fraud	1	..	..	..	..	..
Postal Insurance abstraction	1	..	..	..	..	1
Defalcation of money from banks	2	..	..	1	3	1
Defalcation of money from the Jalpaiguri Railway Goods Office.	1	..	..	..	..	1
Robbery	2	..	..	..	..	..
Burglary	1	..	..	..	..	..
Theft	3	..	..	..	..	1
Copper wire theft	55	7	9 13*	..	3	..
Cases under section 110, Cr.P.C.	3	3	29	..	..	..
Causing grievous hurt with deadly weapon.	1	1	1	..	..	..
Total	277	43	171	19	162	55

*Eleven persons were convicted under the Howrah Offences Act I under Bengal Act IV of 1942 and the other under the Calcutta Police Act for possession of copper wires suspected to be stolen.

FOOTPRINT SECTION.

Annual figures for the year 1942 with comparative figures for 1941

1941.		1942.
336	Number of cases received	225
132	Opinion given	63
86	definite 42	
46	tentative 21	
141	Nagative opinion	118
63	Opinion not possible	44
68	Final Report True	30
64	Charge Sheet	33
40	Convicted	15
23	Acquitted	10
..	Pending in Court	8

SCIENTIFIC SECTION.

Annual Administration Report, 1942.

1941.		1942.
78	Total number of cases in which exhibits were received for examination during the year	195
76	Number of cases in which opinions were given	185
20	Number of cases in which charge sheet was submitted	17
13	Number of cases ended in conviction	10
7	Number of cases ended in acquittal	..
	Number of cases still sub-judice	7

Paragraph 33 *(concld.)*.—Working of the Criminal Investigation Department, 1942.

Foreigners :—

	1941.	1942.
(*i*) Number arrested in Bengal during the year	3,274	2,853
(*ii*) Number convicted during the year	1,580	1,340

Detective Departments :—

A brief summary of work of the Detective Departments of the 24-Parganas and Howrah is given below :—

Nature of cases.	Number of cases investigated.	Number of cases in which assistance was rendered to the District Police.
Dacoity	19	48
Murder	1	3
Drugging		1
Coining		2
Breach of trust	2	1
Cheating	1	..
Burglary		15
Theft	5	13
Goonda Act	1	..
Arms Act		4
Arson		1
Defence of India Rules		1
Unnatural death	1	..
Direct case		1
Total ..	30	87

	1941.	1942.
(1) Number of persons arrested during the year	288	171
(2) Number of persons convicted during the year (under different sections of the Indian Penal Code, Cr. P. C., Goondas Act, Howrah Act) ..	111	107

Paragraph 34.— Operations under the Crimi

District.	Nos. and dates of notifications under section 3, C. T. Act, arranged in chronological order.	Names of tribes or gangs.	No. of registered members on 1st January.	No. of members registered during the year—		No. of members residing in the district who were originally registered in other districts of Bengal—		No. of members residing in the district who were originally registered outside Bengal—		No. of members remaining unregistered.	No. of mem removed the registe to death formatio characte
				Under section 5, C. T. Act.	Under section 7, C. T. Act.	At the close of the previous year.	During the year.	At the close of the previous year.	During the year.		At the close of the previous year.
1	2	3	4	5	6	7	8	9	10	11	12
Bankura	..	..	163	..	..	..	..	..	..	..	..
Birbhum	..	..	175	..	1	..	..	2	..	..	9
Burdwan	..	..	357	..	..	1	..	3	..	11	401
Howrah	..	..	264	..	3	26	1	21	21	2	168
Hooghly	..	..	327	..	..	4	7	3	3	18	10
Midnapore	..	..	549	..	25	..	1	..	2	..	..
Total ..	..	..	1,835	..	29	31	9	29	26	31	588
24-Parganas	..	..	344	..	7	1	2	..	3	..	47
Murshidabad	..	..	176	..	8	..	2	..	..	3	4
Nadia	..	..	151	..	2	..	1	..	..	..	17
Jessore	..	..	60	..	..	..	1	..	..	..	..
Khulna	..	..	63	..	3	..	..	..	..	2	8
Total ..	..	..	794	..	20	1	6	..	3	5	76
Rajshahi	..	..	22	..	..	1	..	1	..	..	..
Rangpur	..	..	577	..	12	2	..	..	..	22	18
Dinajpur	..	..	157	..	..	..	..	..	..	..	7
Jalpaiguri	..	..	36	..	..	..	..	..	..	..	..
Pabna	..	..	197	6	1	17	2	..	..	1	9
Bogra	..	..	190	..	4	4	1	..	..	1	280
Malda	..	..	42	..	4	..	..	..	..	3	..
Darjeeling	..	..	1	..	..	..	..	..	..	7	..
Total ..	..	..	1,222	6	21	24	3	1	..	34	314
Dacca	..	..	360	..	25	6	..	..	..	9	382
Mymensingh	..	..	89	..	..	6	1	..	1	..	283
Faridpur	..	..	167	..	..	8	1	4	..	..	359
Total ..	..	..	616	..	25	20	2	4	1	9	1,024
Bakarganj	..	..	326	2	14	..	..	..	..	3	18
Chittagong	..	..	219	11	1	..	..	..	..	3	..
Tippera	..	..	232	..	3	..	..	..	..	..	..
Noakhali	..	..	72	..	..	..	..	..	..	28	..
Total	..	..	849	13	18	..	..	..	..	34	18
Calcutta	..	..	..	..	..	..	9	..	..	..	..
Army	..	..	..	..	..	..	23	..	..	..	..
Grand Total	..	..	5,316	19	113	76	52	34	30	113	2,020

...h 34.— Operations under the Criminal Tribes Act, 1942.

No. of members residing in the district who were originally registered outside Bengal—		No. of members remaining unregistered.	No. of members removed from the register due to death or reformation of character—		No. of members originally registered in the district who are now residing elsewhere in Bengal—		No. of members originally registered in the district who are now residing outside Bengal—		Total No. of registered members in the districts.	No. of members who are in jail on 31st December.	No. of members who remained untraced on 31st December.	No. of members under actual surveillance on 31st December.	No. of members convicted during the year—			Remarks.
At the close of the previous year.	During the year.		At the close of the previous year.	During the year.	At the close of the previous year.	During the year.	At the close of the previous year.	During the year.					For breaches of rules.	For specific offences.	Under preventive sections.	
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
..	..	..	..	3	11	4	..	1	155	9	5	141	6	3	..	
2	..	..	9	4	..	..	..	..	172	23	4	145	12	3	..	
3	..	11	401	67	24	1*	18	..	289	23	47	219	3	8	2	*Residing in Calcutta.
21	21	2	168	..	5	5*	..	..	284	24	18	242	15	2	..	*4 living at Calcutta.
3	3	18	10	30	11	3	..	..	304	12	13	279	5	3	2	
..	2	..	..	34	..	2*	..	..	541	49	18	474	38	11	..	*1 residing in Calcutta.
29	26	31	588	138	51	15	18	1	1,745	140	105	1,500	79	30	4	
..	3	..	47	33	1	1	1	5	317	67	33	217	23	8	..	
..	..	3	4	6	..	..	..	..	180	17	5	158	14	5	..	*One member residing in Calcutta.
..	..	..	17	13	5	4	..	..	137	7	3	127	9	2	..	
..	..	..	..	4	..	1	..	..	56	7	7	42	4	..	..	
..	..	2	8	2	2	2*	..	..	62	15	2	45	3	3	..	
..	3	5	76	58	8	8	1	5	752	113	50	589	53	18	..	
1	..	..	..	..	..	..	..	..	22	1	2	19	2	1	1	
..	..	22	18	12	2	1*	..	..	576	47	45	484	58	13	..	*Residing in Clacutta.
..	..	..	7	5	..	..	..	..	152	6	2	144	9	3	3	
..	..	..	..	..	28	..	2	2	34	..	30	4	1	..	..	
..	..	1	9	17	2	1	..	..	188	27	5	156	31	5	..	
..	..	1	280	11	4	2	4	..	182	14	4	164	9	2	..	
..	..	3	..	3	..	..	1	..	43	3	1	39	4	..	2	
1	..	7	..	..	..	..	..	..	1	..	..	1	..	..	..	
..	..	34	314	48	36	4	7	2	1,198	98	89	1,011	114	24	6	
..	..	9	382	39	27	1	7	..	345	47	29	269	55	7	..	
..	1	..	283	8	..	..	14	..	83	19	3	61	6	..	..	
4	..	..	359	18	9	1*	4	..	149	31	11	107	13	5	..	*Joined the Army.
4	1	9	1,024	65	36	2	25	..	577	97	43	437	74	12	..	
..	..	3	18	47	10	..	..	..	295	49	6	240	12	22	..	
..	..	3	..	3	..	22*	..	..	206	38	18	150	25	12	7	*22 joined the army.
..	..	..	..	12	..	..	..	..	223	24	13	186	12	10	..	
..	..	28	..	3	..	1*	..	..	68	12	3	53	2	3	..	*Residing in Calcutta.
..	..	34	18	65	10	23	..	..	792	123	40	629	51	47	7	
..	..	..	..	..	..	..	..	..	9	..	..	..	..	..	..	
..	..	..	..	..	..	..	..	..	23	..	..	..	..	..	..	
34	30	113	2,020	374	141	52	51	8	5,096	571	327	4,166	371	131	17	

Paragraph 34 *(concld.)*—**Saidpur Settlement (under the management of the Salvation Army 1942.)**

	Men.	Women.	Boys.	Girls.	Total.
Population	107	113	43	60	323
Present	58	93	42	56	249
Absconding	8	5	..	2	15
Jail	22	2	..	..	24
Out of view	18	10	..	..	28
Mental Hospital	..	1	..	..	1
Conditional discharge	1	2	1	2	6
Number of deaths during the year ..	..	..	..	..	16
Number of births during the year ..	..	..	..	..	13

Conviction.

Under Criminal Tribes Act	33
Under Indian Penal Code	4
Under Excise Act	7
Total ..	44

Nilphamari School for the children of Karwal Nats of Saidpur Settlement, 1942.

	Boys.	Girls.	Total.
1. Number of children on the roll of the school at the beginning of the year	39	35	74
2. Number of children admitted to school on transfer from the Saidpur Settlement during the year.	..	2	2
3. Number of children discharged on completion of their course	2	3	5
4. Number of children absconding at the close of the year	..	..	..
5. Number of children actually present in the school at the close of the year ..	37	34	71
6. Number of these children registered during the year on account of persistent failure to subject themselves to school discipline.	..	..	..
7. Number of discharged children provided with employment	2	..	2
8. Number of discharged girls sent to their husbands	..	3	3
9. Number of children of school going aged in the Saidpur Settlement who cannot be transferred to Nilphamari school for lack of accommodation.	16	28	44

Paragraph 35.—Working of the Finger Print Bureau. (Searches).

Provincial (including Calcutta and other Provinces.)

	1941.	1942.
Total number of searches	35,578	27,723
Number of "Traced" out of above	9,431	6,413
Number of "Untraced" out of above	26,147	21,310

Calcutta Police.

Total number of searches	22,835	17,622
Number of "Traced" out of above	6,981	4,501
Number of "Untraced" out of above	15,854	13,121

Bengal Police.

Total number of searches	6,823	6,231
Number of "Traced" out of above	1,757	1,372
Number of "Untraced" out of above	5,066	4,859

1942.)

Paragraph 35 *(concld.)*.—**Working of the Finger Print, etc.**

Other Provinces.

Total.		1941.	1942.
	Total number of searches	5,920	3,870
323	Number of "Traced" out of above	693	540
	Number of "Untraced" out of above	5,227	3,330

Bengal Police and Calcutta Police combined.

249	Total number of searches	29,658	23,852
15	Number of "Traced" out of above	8,738	5,873
24	Number of "Untraced" out of above	29,920	17,980

Percentage of success in tracing.

28	(*a*) On total number of searches	26·50	23·13
1	(*b*) On combined Bengal and Calcutta figures	29·46	24·62
6	(*c*) On Provincial number of searches	25·75	22·02

Record.

16	Number of slips on record at the end of 1941	247,100	253,716
13	Number of slips received for record during 1942	6,616	15,796
33			
4			
7			
44	.. ..	253,716	269,512
	Less on account of withdrawals—		
	(*a*) Slips of criminals reported dead	23	27
	(*b*) Slips of criminals withdrawn under the elimination system	..	Nil
	No. of slips on record at the end of 1942	253,693	269,485

Girls.	Total.		
		Cases.	
35	74	(*a*) Number of private (fee) cases including different suits tried on the same date	70	63
2	2	(*b*) Number of Government cases	126	108
		(*c*) Number of cases in which experts visited place of occurrence	..	3
3	5			
..	..	*Fees.*		
			Rs.	Rs.
34	71	(*a*) Amount earned as Expert fee in cases	1,400	1,260
..	..	(*b*) Amount earned as Expert fee for giving opinion on documents	820	540
..	2		2,220	1,800
3	3			
28	44			

1941.	1942.	*Exhibits and documents.*	1941.	1942.
		(*a*) Examination of F. C. S. on exhibits	161	113
		(*b*) Examination of F. C. S. on documents	138	112
	..	(*c*) Number of cases in which fees were earned by giving opinion on documents	41	27
		Absconders.		
1941.	1942.	Number of absconders traced by F. P. system	58	42
		Training class.		
35,578	27,723			
9,431	6,413			
26,147	21,310	The training class commenced from 16th September 1942 with 8 S. I. S.		
		Number of local experts who underwent revisional training	16	32
		Staff.		
22,835	17,622	Deputy Superintendent of Police	..	1
6,981	4,501	Inspector of Police	..	1
15,854	13,121	Honorary Inspector of Police	..	10
		Sub-Inspector of Police	..	7
		Daftry	..	1
	..	.. *Temporary.*		
6,823	6,231			
1,757	1,372			
5,066	4,859	Sub-Inspector of Police	..	8

Paragraph 37.—Criminal Intelligence Bureau.

Serial No.	Subjects.	Figures for— 1941.	1942.
1	2	3	4
1.	Total searches of finger print slips and Criminal Intelligence Bureau references	35,936	28,007
2.	Short criminal histories supplied to investigating and court officers	766	468
3.	Criminal Intelligence Bureau references searched	358	284
4.	Finger Print Bureau records supplemented	39	10
5.	Absconders traced	22	13
6.	Cases detected	10	11
7.	Officers consulting the records	33	11
8.	Lectures delivered—		
	(1) Police Training College	2	1
	(2) In two special classes in Criminal Intelligence Bureau (14+7 officers of different districts of Bengal). ..		11

SECTION IX.

Paragraph 38.—Non-cognizable crime and miscellaneous.

Class.	Cases reported including pending cases of the last year.		Increases + or decreases —.	Number of cases in which police were employed (excluding cases under sections 107 and 145 Cr. P. C.).		Percentage of cases in which police were employed to total number of cases reported (excluding cases under sections 107 and 145, Cr. P. C.).	
	1941.	1942.		1941.	1942.	1941.	1942.
1	2	3	4	5	6	7	8
Class I	6,114	5,606	−508	70	119	1·1	2·1
Class II	43	24	−19	1	2	2·3	8·3
Class III	489	509	+20	20	28	4·08	5·5
Class IV	43,530	42,619	−911	248	314	·56	·73
Class V	19,665	19,035	−630	153	223	·77	1·1
Total of classes I to V ..	69,841	67,793	−2,048	492	686	·70	1·01
Class VI	16,234	15,947	−287	270	244	1·6	1·5
Special laws	64,690	53,823	−10,867	121	237	·18	·44
Total of class VI and special laws	80,924	69,770	−11,154	391	481	·48	·69
Grand Total ..	150,765	137,563	−13,202	883	1,167	·58	·84

Persons concerned in non-cognizable crime.

	Figures for— 1941.	1942.	Increases + or decreases. —.
1. Number of persons who appeared before courts	187,396	175,337	−12,059
2. Number of persons discharged without trial	28,903	33,560	+4,657
3. Number of persons cases against whom were compounded or otherwise disposed of	27,210	21,757	−5,453
4. Number of persons tried	112,265	98,452	−13,813
5. Number of persons convicted	75,069	61,930	−13,139
6. Number of persons discharged or acquitted	35,932	36,522	+590
7. Number of persons uuder trial at the end of the year	17,805	19,157	+1,352
8. Percentage of persons discharged without trial to persons who appeared before courts	15·2	19·1	..
9. Percentage of persons tried to persons who appeared before courts	58·7	56·1	..
10. Percentage of persons convicted to persons tried	66·8	62·9	..
11. Percentage of persons convicted to persons who appeared before the courts (excluding persons under trial at the end of the year)	44·2	39·9	..

1. Suicide—
Men
Women
Children

2. Drowning—
Men
Women
Children

3. Snakebite—
Men
Women
Children

4. Killed by wi
Men
Women
Children

5. Fall from bu
Men
Women
Children

6. Other causes
Men
Women
Children

Total—
Men
Women
Children

Number of unnat
pable homicide
(*i*) Number of su
(*ii*) Number of ca
(*iii*) Number of c

Paragraph 39.—Unnatural deaths.

Figures for—		*Causes of death.*	1941.				1942.
1941.	1942.						
3	4	1. Suicide—					
35,936	28,007	Men	1,732				1,778
766	468	Women	1,900				1,988
358	284	Children	28	Under 6 years			
39	10			6 to 12 years	21		
22	13			12 to 18 years	147	168	
10	11	Total ..	3,660	Total ..			3,934
33	11	2. Drowning—					
		Men	1,022				911
2	1	Women	1,012				946
..	11	Children	6,531	Under 6 years	3,633		
				6 to 12 years	1,368		
				12 to 18 years	546	5,547	
		Total ..	8,565	Total ..			7,404
		3. Snakebite—					
		Men	1,474				1,440
		Women	1,362				1,339
		Children	923	Under 6 years	302		
				6 to 12 years	491		
				12 to 18 years	348	1,141	
entage of cases in police were employ- to total number of reported (excluding under sections 107 and 145, Cr. P. C.).		Total ..	3,759	Total ..			3,920
		4. Killed by wild beasts—					
		Men	37				31
		Women	9				15
		Children	33	Under 6 years	25		
				6 to 12 years	8		
				12 to 18 years	2	35	
41. 1942.		Total ..	79	Total ..			81
7 8		5. Fall from buildings—					
1·1 2·1		Men	125				118
2·3 8·3		Women	39				26
4·08 5·5		Children	50	Under 6 years	15		
·56 ·73				6 to 12 years	51		
·77 1·1				12 to 18 years	16	82	
·70 1·01		Total ..	214	Total ..			226
1·6 1·5		6. Other causes—					
·18 ·44		Men	1,450				1,219
		Women	609				433
·48 ·69		Children	468	Under 6 years	184		
				6 to 12 years	176		
·58 ·84				12 to 18 years	113	473	
		Total ..	2,527	Total ..			2,125
for— Increases		Total—					
		Men	5,840				5,497
1942. + or decreases. −.		Women	4,931				4,747
		Children	8,033	Under 6 years	4,159		
				6 to 12 years	2,115		
				12 to 18 years	1,172		
175,337 −12,059		Grand Total ..	18,804	Grand Total ..			17,690
33,560 +4,657							
21,757 −5,453						1941.	1942.
98,452 −13,813		Number of unnatural death cases which, on investigation, transpired to be cases of murder or culpable homicide.				92	90
61,930 −13,139		(*i*) Number of such cases sent up for trial				20	15
36,522 +590		(*ii*) Number of cases convicted				8	5
19,157 +1,352		(*iii*) Number of cases sub judice at the end of the year				5	3
19·1 ..							
56·1 ..							
62·9 ..							
39·9 ..							

(Paragraph 40).—Processes served by the Police, 1942.

Districts.	Warrants.				Summonses and other legal processes.				Total.	
	Received in 1941.	Outstanding at the end of 1941.	Received in 1942.	Outstanding at the end of 1942.	Magistrates and other judicial and revenue officers.		Police.			
					1941	1942	1941	1942	1941	1942
24-Parganas ..	9,120	379	8,224	427	9,731	9,120	1,641	1,622	20,492	18,966
Nadia	2,159	104	1,842	120	1,526	1,025	295	141	3,980	3,008
Murshidabad ..	1,110	80	1,491	131	802	1,095	110	424	2,022	3,010
Jessore	2,366	204	2,348	204	2,428	2,319	391	506	5,185	5,173
Khulna	2,946	129	4,010	304	1,429	881	570	313	4,945	5,204
Total	17,701	896	17,915	1,186	15,916	14,440	3,007	3,006	36,624	35,361
Burdwan	1,259	60	1,295	75	2,065	2,251	280	295	3,604	3,841
Birbhum	681	47	413	64	1,042	1,015	226	169	1,949	1,597
Bankura	654	54	758	48	1,120	1,345	123	365	1,897	2,468
Midnapore	1,605	145	3,771	332	2,924	2,732	554	461	5,083	6,964
Hooghly	1,055	68	1,724	80	3,076	3,409	227	236	4,358	5,369
Howrah	4,607	202	6,090	209	5,419	4,095	2,783	1,893	12,809	12,078
Total	9,861	576	14,051	808	15,646	14,847	4,193	3,419	29,700	32,317
Rajshahi	1,204	45	997	44	839	872	38	27	2,081	1,896
Dinajpur	864	45	1,203	84	1,318	1,638	259	437	2,441	3,278
Jalpaiguri	733	45	771	59	2,447	2,254	272	348	3,452	3,373
Rangpur	1,213	125	2,256	114	2,206	3,064	872	872	4,291	6,192
Bogra	692	22	609	25	549	631	499	688	1,740	1,928
Pabna	1,830	115	2,042	171	904	922	445	616	3,179	3,580
Malda	1,009	70	1,149	86	1,053	991	193	179	2,255	2,319
Darjeeling	195	12	200	22	354	177	18	249	567	626
Total	7,740	479	9,227	605	9,670	10,549	2,596	3,416	20,006	23,192
Dacca	5,692	799	5,472	682	4,694	4,487	1,942	1,783	12,328	11,742
Mymensingh ..	4,321	295	5,845	377	7,765	6,739	3,878	3,548	15,964	16,132
Faridpur	4,219	301	4,302	271	5,061	2,298	1,382	1,161	10,664	7,761
Total	14,232	1,395	15,619	1,330	17,520	13,524	7,202	6,492	38,954	35,635
Bakarganj	7,081	574	5,433	486	6,498	5,983	1,067	939	14,646	12,355
Tippera	3,815	239	4,783	489	2,133	3,032	1,114	1,196	7 062	9,011
Noakhali	2,721	406	2,962	530	2,617	2,769	1,066	1,154	6,404	6,885
Chittagong	7,975	897	11,534	577	3,931	5,037	1,036	1,835	12,942	18,406
Total	21,592	2,116	24,712	2,082	15,179	16,821	4,283	5,124	41,054	46,657
Grand Total ..	71,126	5,462	81,524	6,011	73,931	70,181	21,281	21,457	166,338	173,162

The table below shows to what extent the services of the police were utilised in serving and dealing with matters which are for the most part outside the scope of their ordinary duties.

	Nature of process.	Number received which necessitated service by post or by the deputation of an officer outside the thana buildings.	Number received which were disposed of within the thana buildings.	Total.
1.	Notices to false informants to show cause why they should not be prosecuted under section 211, Cr. P. C.	548	50	598
2.	Notices regarding renewal of gun license	7,678	880	8,558
3.	Court petitions for summary enquiry	14,295	593	14,888
4.	Orders regarding local and district boards including elections ..	679	470	1,149
5.	Registration and reports of vital statistics	93	146	239
6.	Orders to report on crops, prices, hats and bazars	2,919	3,677	6,596
7.	Notices regarding excise, ferries and pounds and collection of rent for them	398	776	1,174
8.	Orders on Panchayets	2,698	2,320	5,018
9.	Notices of the Agricultural Department	845	1,251	2,096
10.	Miscellaneous	35,566	24,077	59,643
	Total ..	65,719	34,240	99,959
	Total for 1941 ..	62,856	38,592	101,448

	Figures for— 1941	1942	Increase + or Decreases —.
(1) Number of defaulting witnesses—			
(*i*) Prosecuted	1,117	974	+143
(*ii*) Convicted	862	850	−12
(2) Number of proceedings started for forfeiture of bonds	716	878	+162
(*i*) Number of instances in which bonds were forfeited	564	713	+149

Paragraph 41.—Absconded offenders and surveillance.

		Figures for— 1941	1942	Increase + or Decrease —.
1.	Number of absconders at the end of the year	2,066	2,252	+186
2.	Number of surveilles—			
	(*i*) Under actual surveillance	20,043	20,282	+239
	(*ii*) In jail	3,886	3,409	−477
	(*iii*) Untraced	2,389	2,703	+314
	Total	26,318	26,394	+76
3.	Number of persons bound down under section 565, Cr. P. C.	2,310	2,336	+26
4.	Number of persons punished for disobeying orders under section 565, Cr. P. C. ..	869	756	−113
5.	Number of accused persons who absconded while on bail	143	201	+58
6.	Number of proceedings instituted under section 514, Cr. P. C., for forfeiture of bail bonds.	143	197	+54
7.	Number of instances in which the full amount of the bail bond was forfeited ..	26	62	+36
8.	Number of cases in which only a portion of the bail bond was forfeited ..	92	94	+2
9.	Number of cases in which the bailors were excused or acquitted	15	31	+16
10.	Number of cases which remained undecided at the end of the year	10	10	..
11.	Percentage of full forfeiture of bail bonds to proceedings instituted	1·1	31·4	..

STATEMENT A.

Return of cognizable crime for the year 1942.

Part I.—Return of cases.

Serial number.	Law.	Offence.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation (cols. 4 +5−6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of year.	True cases.				Total Magistrate's true cases.	Total Magistrate's cases ending in conviction.	Grand total of true cases (cols. 14+15).	Otherwise disposed of.
										Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 12+13).				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
	Sections of Indian Penal Code.																
1	115, 117, 118, 119.	Abetment of cognizable offence.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	120B(1) ..	Cognizable criminal conspiracy.	2	..	..	2	..	..	..	2	..	..	2	..	..	2	..
		Total ..	2	..	..	2	..	..	..	2	..	..	2	..	..	2	..
	Class I.—Offences against the State, Public Tranquillity, Safety and Justice.																
2	131 to 136, 138.	Offences relating to the army and navy.	..	1	..	1	..	..	1	..	..	..	..	..	..	..	..
3	231 to 254	Offences relating to coin	47	77	..	124	5	7	29	68	8	7	83	3	..	86	..
4	255 to 263A	Offences relating to stamps.	4	3	..	7	..	..	2	3	1	1	5	2	1	7	..
5	467 and 471	Offences relating to Government promissory notes.	4	7	..	11	1	1	4	2	3	..	5	25	3	30	..
6	489A to 489D	Offences relating to currency notes and bank notes.	17	34	..	51	..	5	18	8	5	15	28	2	1	30	..
7	212 and 216, 216A.	Harbouring an offender	8	9	..	17	1	1	6	7	1	1	9	4	..	13	..
8	213, 215, 224, 225, 225B and 226.	Other offences against public justice.	32	131	..	163	..	9	51	78	9	5	92	7	3	99	11
9	143 to 153, 157, 158, 159.	Rioting or unlawful assembly.	2,412	1,713	4	4,121	35	380	774	359	271	305	939	481	114	1,420	1,997
10	140, 170, 171	Personating public servant or soldier.	4	27	..	31	1	2	6	15	2	3	20	1	..	21	2
10A	295, 296 and 297	Offences against religion	2	26	..	28	1	4	3	1	..	18	19	19	3	38	1
		Total ..	2,530	2,028	4	4,554	44	409	894	541	300	355	1,200	544	125	1,744	2,011
	Class II.—Serious offences against the Person.																
11	302, 303 ..	Murder ..	192	797	..	989	5	47	290	69	145	394	608	22	..	630	39
12	307 ..	Attempts at murder ..	21	80	..	101	3	10	18	6	11	41	58	12	1	70	12
13	304, 308 ..	Culpable homicide ..	172	496	..	668	12	45	178	169	123	121	413	19	3	432	20
14	376 ..	Rape by a person other than the husband.	41	171	..	212	28	31	42	32	39	37	108	41	4	149	3
15	377 ..	Unnatural offence ..	6	38	..	44	1	3	5	15	4	16	35	9	1	44	..
16	317, 318 ..	Exposure of infants or concealment of birth.	9	32	..	41	1	5	4	5	1	24	30	3	1	33	1
17	305, 306, 309	Attempt at and abetment of suicide.	17	171	2	186	5	20	22	101	3	19	125	7	5	132	16
18	325, 326, 329, 331, 333, 335.	Grievous hurt ..	268	1,132	6	1,394	2	297	240	376	105	159	646	444	122	1,090	214
19	328 ..	Administering stupefying drugs to cause hurt.	7	48	..	55	3	6	11	6	4	24	34	5	1	39	1
20	324, 327, 330	Hurt ..	300	1,551	109	1,742	16	198	238	222	144	437	912	2,171	314	3,083	487
21	363 to 369 and 371, 372 and 373.	Kidnapping or abduction, selling, etc., for prostitution and dealing in slaves.	118	381	..	499	26	157	98	61	87	64	212	491	42	703	7
22	346 to 348	Wrongful confinement and restraint in secret or for purpose of extortion.	..	7	..	7	..	3	1	1	1	..	2	26	3	28	1
22A	332, 353 ..	Hurt and assault to deter a public servant from his duty.	36	94	..	130	2	10	34	67	8	6	81	30	15	111	3
23	354, 356, 357	Criminal force to public servant or woman, or an attempt to commit theft or wrongfully confine.	81	301	..	382	15	60	57	91	60	85	236	441	77	677	14
24	304A, 338 ..	Rash or negligent act causing death or grievous hurt.	25	106	..	131	1	28	16	29	18	26	73	6	1	79	13
		Total ..	1,293	5,405	117	6,581	120	920	1,254	1,250	753	1,453	3,573	3,727	590	7,300	831

Serial number.	Law.	
1	2	
	Class III.—Ser Person and Prope	
25	395, 396, 397, 398, 399, 402.	D
26	392, 393, 394, 397, 398.	R
27	270, 281, 282, 430 to 433, 435 to 440.	S
28	428, 429 ..	M
29	449 to 452, 454, 455, 457 to 460.	L
30	311, 400, 401	B
	Class IV.—Mino P	
31	341 to 344	W
32	336, 337 ..	Ra
	Class V.—Minor offe	
33	379 to 382	Th
34	406 to 409	Cri
35	411 to 414	Re
36	419, 420	Che
37	447, 448, 453 and 456.	Cri a p
38	461, 462 ..	Bre

STATEMENT A.

Return of cognizable crime for the year 1942.

PART I.—Return of cases—*concld.*

Serial number.	Law.	Offence.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation (cols. 4 +5−6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of year.	True cases.				Total Magistrate's true cases.	Total Magistrate's cases ending in conviction.	Grand total of true cases (cols.14+15).	Otherwise disposed of.	Total Magistrate's cases ending in conviction.	Grand total of true cases (cols.14+15).	Otherwise disposed of.
										Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 6 + 11 + 12+13).						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	16	17	18
		Class III.—Serious offences against Person and Property, or against Property only.																		
25	395, 396, 397, 398, 399, 402.	Dacoity and preparation and assembly for dacoity.	327	1,822	3	2,146	42	23	773	223	126	934	1,286	25	6	1,311	25	..	2	..
26	392, 393, 394, 397, 398.	Robbery ..	128	869	2	995	63	121	185	105	57	458	622	72	13	694	6	..	2	..
27	270, 281, 282, 430 to 433, 435 to 440.	Serious mischief and cognate offences.	65	691	4	752	40	53	136	22	51	437	514	106	26	620	13	..	..	..
28	428, 429 ..	Mischief by killing, poisoning or maiming any animal.	42	244	9	277	5	30	35	60	29	114	212	231	39	443	4	..	86	..
29	449 to 452, 454, 455, 457 to 460.	Lurking house trespass or house-breaking with intent to commit an offence, or having made preparation for hurt and house trespass with a view to commit an offence or having made preparation for hurt.	1,261	28,334	4,244	25,351	365	288	1,525	1,603	442	21,067	27,356	162	32	27,518	61	1	7	..
30	311, 400, 401	Belonging to gangs of thugs, dacoits, robbers and thieves.	..	1	..	1	..	..	1	..	..	..	..	6	..	6	..	1	30	..
		Total ..	1,823	31,961	4,262	29,522	515	515	2,655	2,013	705	23,010	29,990	602	116	30,592	109	1	13	..
		Class IV.—Minor offences against the Person.																3	99	11
31	341 to 344	Wrongful restraint and confinement.	50	172	..	222	13	50	25	20	22	50	92	1,198	121	1,290	42	114	1,420	1,997
32	336, 337 ..	Rash act causing hurt or endangering life.	6	56	..	62	..	6	6	11	6	26	43	15	4	58	7	..	21	2
		Total ..	56	228	..	284	13	56	31	31	28	76	135	1,213	125	1,348	49	3	38	1
		Class V.—Minor offences against Property.																125	1,744	2,011
33	379 to 382	Theft { of Cattle	115	814	23	906	21	77	149	371	65	218	677	78	10	755	5			
		Theft { ordinary	1,604	8,332	2,439	17,497	210	1,015	1,976	4,305	519	9,302	16,565	11,412	2,384	27,977	170			
34	406 to 409	Criminal breach of trust	213	618	..	831	9	91	243	185	53	192	413	1,859	206	2,289	58			
35	411 to 414	Receiving stolen property	712	2,639	1	3,350	14	150	582	2,211	275	80	2,567	163	52	2,730	38			
36	419, 420	Cheating ..	187	440	..	627	4	53	203	182	31	78	291	1,519	129	1,810	76			
37	447, 448, 453 and 456.	Criminal or house trespass and lurking house trespass or house-breaking.	98	677	5	770	11	84	56	203	56	247	511	8,353	1,059	8,864	113			
38	461, 462 ..	Breaking closed receptacle	4	306	81	229	3	6	8	11	4	196	292	3	..	295	1			
		Total ..	2,933	23,826	2,549	24,210	272	1,476	3,217	7,468	1,003	10,313	21,333	23,387	3,840	44,720	461			
		Grand Total ..	8,637	63,448	6,932	65,153	964	3,376	8,051	11,305	2,789	35,207	56,233	29,473	4,796	85,706	3,461			

STATEMENT A.

Return of cognizable crime for the year 1942.

PART II.—Return of persons concerned in cases.

Serial number.	Law.	Offence.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up, by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrates' order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at end of year.	Persons concerned in Magistrates' cases. Number arrested.	Number convicted.	Number acquitted or discharged.	Otherwise disposed of.	Surrendered or appeared under order of Magistrate.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Sections of Indian Penal Code.															
1	115, 117, 118, 119.	Abetment of cognizable offence.	1	..	..	..	..	..	..	..	..	..	..	..	..	..
	120B, (1) ..	Cognizable criminal conspiracy.	62	..	..	..	61	35	26	..	..	..	..	..	1	..
		Total ..	62	..	..	..	61	35	26	..	..	..	..	..	1	..
	Class I.—Offences against the State, Public Tranquillity, Safety and Justice.															
2	131 to 136, 138.	Offences relating to the army and navy.	..	1	..	..	..	..	..	..	1	..	..	..	..	..
3	231 to 254 ..	Offences relating to coin	59	98	5	25	107	76	31		22	5		5	2	4
4	255 to 263A	Offences relating to stamps.	4	2	..	..	5	3	2		1	2	1	1	..	..
5	467 and 471	Offences relating to Government promissory notes.	11	21	..	8	13	5	8	4	15	60	4	48	..	4
6	489A to 489D	Offences relating to currency notes and bank-notes.	20	41	5	15	24	13	11	..	14	2	1	1	3	..
7	212 and 216, 216A.	Harbouring an offender	12	10	..	..	18	15	3	4	10	7	..	5	3	9
8	213, 215, 224, 225, 225B & 226.	Other offences against public justice.	25	221	1	2	150	122	28	42	101	13	3	5	22	30
9	143 to 153, 157, 158, 159.	Rioting or unlawful assembly.	78,612	9,124	1,264	1,479	6,556	2,867	3,689	640	4,476	2,487	443	1,650	76,638	2,677
10	140, 170, 171	Personating public servant or soldier.	4	31	3	2	22	18	4	..	6	4	..	3	2	..
10A	295, 296 and 297.	Offences against religion	..	53	45	1	3	3	..	..	4	20	5	14	1	1
		Total ..	78,747	9,602	1,323	1,532	6,898	3,122	3,767	690	4,650	2,600	457	1,732	76,671	2,725
	Class II.—Serious offences against the Person.															
11	302, 303 ..	Murder ..	252	1,248	170	509	538	105	433	129	428	50	..	45	54	199
12	307 ..	Attempts at murder ..	28	128	12	76	37	8	29	6	17	29	1	26	19	6
13	304, 308 ..	Culpable homicide ..	334	899	56	239	918	390	528	75	238	56	6	39	50	268
14	376 ..	Rape by a person other than the husband.	51	170	25	53	136	44	92	9	47	117	9	96	2	42
15	377 ..	Unnatural offence ..	6	28	8	2	24	18	6	1	3	22	4	14	..	3
16	317, 318 ..	Exposure of infants or concealment of birth.	8	12	5	..	12	10	2	2	3	7	2	5	..	..
17	305, 306, 309	Attempt at and abetment of suicide.	10	130	10	3	104	101	3	2	13	9	5	3	11	1
18	325, 326, 329, 331, 333, 335.	Grievous hurt ..	451	1,646	242	209	1,172	638	534	46	316	1,062	273	658	571	413
19	328 ..	Administering stupefying drugs to cause hurt.	11	38	10	14	15	7	8	..	6	3	2	1	5	1
20	324, 327, 330	Hurt	449	1,792	359	233	786	371	415	46	351	4,443	612	3,282	1,116	604
21	364 to 369 and 371, 372, 373.	Kidnappping or abduction selling, etc., for prostitution and dealing in slaves.	282	698	175	235	516	173	343	26	212	1,148	101	936	40	198
22	346 to 348 ..	Wrongful confinement and restraint in secret or for purpose of extortion.	..	17	6	..	3	1	2	..	4	65	7	56	4	..
22A	332, 353 ..	Hurt and assault to deter a public servant from his duty.	123	334	11	24	285	173	112	25	138	88	38	42	24	25
23	354, 356, 357	Criminal force to public servant or woman or an attempt to commit theft or wrongfully confine.	73	276	55	38	209	104	105	16	48	703	129	519	32	33
24	304A, 338	Rash or negligent act causing death or grievous hurt.	18	90	21	7	54	30	24	5	15	30	1	27	20	8
		Total ..	2,096	7,506	1,165	1,642	4,809	2,173	2,636	388	1,839	7,832	1,190	5,749	1,948	1,801

Serial number.	Law.
1	2
	Class III.—Serio Persons an Property o
25	395, 396, 397, 398, 399 402. D
26	392, 393, 394, 397, 398. R
27	270, 281, 282, 430 to 433, 435 to 440. S
28	428, 429 .. M
29	449 to 452, 454, 455, 457 to 460. L
30	311 to 400, 401. B
	Class IV.—Minor
31	341 to 344 W
32	336, 337 .. Ra
	Class V.—Minor o pert
33	379 to 382 Th
34	406 to 409 Cri
35	411 to 414 .. Re
36	419 to 420 Ch
37	447, 448, 453, and 456. Cri
38	461, 462 .. Br

STATEMENT A.

Return of cognizable crime for the year 1942.

PART II.—Return of persons concerned in cases—*concld.*

Serial number.	Law.	Offence.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up by, the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrates' order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at end of year.	Persons concerned in Magistrates' cases.				Persons concerned in Magistrates' cases.			
												Number arrested.	Number convicted.	Number acquitted or discharged.	Otherwise disposed of.	Number convicted.	Number acquitted or discharged.	Otherwise disposed of.	Surrendered or appeared under order of Magistrate.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	14	15	16	17
		Class III.—Serious offences against Persons and Property, or against Property only.																	
25	395, 396, 397, 398, 399 402.	Dacoity and preparation and assembly for dacoity	1,262	8,209	1,198	4,340	1,886	870	1,016	279	2,126	104	18	77	133	..	..	..	..
26	392, 393, 394, 397, 398.	Robbery	163	924	161	374	367	192	175	27	186	297	57	186	40	..	..	1	..
27	270, 281, 282, 430 to 433, 435 to 440.	Serious mischief and cognate offences.	127	832	148	239	278	67	211	19	310	318	55	236	53	5	2	4	69
28	428, 429 ..	Mischief by killing, poising or maiming any animal.	69	213	39	32	153	96	57	5	57	416	58	317	29	1	1	..	28
29	449 to 452, 454, 455, 457 to 460.	Lurk'ng house trespass or house-breaking with intent to commit an offence, or having made preparation for hurt and house-trespass with a view to commit an offence or having made preparation for hurt.	913	6,200	960	1,971	2,934	1,994	940	194	1,386	379	90	257	166	4	48	..	4
30	311 to 400, 401.	Belonging to gangs of thugs, dacoits, robbers, and thieves.	..	[20	..	..	..	..	..	2	20	4	..	4	..	1	1	3	..
		Total ..	2,534	16,398	2,506	6,956	5,618	3,219	2,399	526	4,085	1,518	278	1,077	421	1	3	2	..
		Class IV.—Minor offences against the Person.														5	14	1	1
31	341 to 344	Wrongful restraint and confinement.	123	301	106	41	146	41	105	6	35	2,372	253	1,854	129	457	1,732	76,671	2,725
32	336, 337 ..	Rash act causing hurt or endangering life.	5	59	9	15	27	11	16	..	3	19	6	10	10	..	45	54	199
		Total ..	128	360	115	56	173	52	121	6	38	2,139	259	1,864	139	1	26	19	6
		Class V.—Minor offences against Property.														6	39	50	268
33	379 to 382	Theft—														9	96	2	42
		Of cattle ..	164	813	72	72	681	470	211	24	205	159	28	131	12	4	14	..	3
		Ordinary ..	1,755	10,057	967	1,931	6,805	5,265	1,540	257	2,428	25,607	4,789	18,157	272	2	5	..	..
34	406 to 409	Criminal breach of trust	143	520	69	98	332	219	113	104	169	2,914	251	2,406	44	5	3	11	1
35	411 to 414 ..	Receiving stolen property	1,150	4,418	184	323	4,254	2,997	1,257	116	932	277	77	169	169	273	658	571	413
36	419 to 420	Cheating ..	234	536	54	58	379	240	139	42	203	2,363	209	1,856	110	2	1	5	1
37	447, 448, 453, and 456.	Criminal or house trespass and lurking house trespass or house-breaking.	168	909	184	101	524	331	193	7	68	17,438	2,128	12,871	302	612	3,282	1,116	604
38	461, 462 ..	Breaking closed receptacle.	4	70	13	25	29	21	8	1	7	7	..	7	4	101	936	40	198
		Total ..	3,618	17,323	1,543	2,608	13,004	9,543	3,461	551	4,012	48,765	7,482	35,597	913	7	56	4	..
		GRAND TOTAL ..	87,185	51,189	6,652	12,794	30,563	18,144	12,419	2,161	14,624	63,106	9,666	46,019	80,093	38	42	24	25
																129	519	32	33
																1	27	20	8
																190	5,749	1,948	1,801

STATEMENT AA.

Return of cognizable crime for the year 1942.

PART I.—Return of cases.

Serial number.	Law.	Offence.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation (cols. 4+5−6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of year.	True cases.				Total Magistrates' true cases.	Total Magistrates' cases ending in conviction.	Grand Total of true cases (cols. 14+15).	Otherwise disposed of.
										Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 6+11+12+13).				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
	Sections of Indian Penal Code.																
	CLASS VI.—*Other offences not specified in Statement A-I.*																
1	269, 277, 279, 280, 283, 285, 286, 289, 291 to 294, section 34 of Act V of 1861 and nuisances punishable under local laws.	Public nuisances ..	1,304	7,764	1	9,067	2	18	788	7,571	165	373	8,110	2,128	1,782	10,238	150
2	..	Offences under special and local laws declared to be cognizable.	189	6,871	27	7,033	7	104	1,015	5,023	354	340	5,744	9,599	8,718	15,343	190
3	..	Criminal Tribes Act ..	168	554	..	722	..	1	238	425	35	3	463	53	38	516	20
		Total ..	1,661	15,189	28	16,822	9	123	2,041	13,019	554	716	14,317	11,780	10,538	26,097	360

PART II.—Return of persons concerned in cases.

Serial number.	Law.	Offence.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up, by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrate's order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at end of year.	Persons concerned in Magistrates' cases.			Remarks.	
												Number arrested.	Number convicted.	Number acquitted or discharged.	Otherwise disposed of.	Surrendered or appeared under order of Magistrate.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Sections of Indian Penal Code.															
	CLASS VI.—*Other offences not specified in Statement A-II.*															
1	269, 277, 279, 280, 283, 285, 286, 289, 291 to 294, section 34 of Act V of 1861 and nuisances punishable under local laws.	Public nuisances ..	1,042	9,031	30	8	9,379	9,137	242	713	561	2,430	1,981	438	117	22
2	..	Offences under special and local laws declared to be cognizable.	370	9,295	107	269	8,341	7,616	725	492	1,246	12,695	10,681	1,502	286	584
3	..	Criminal Tribes Act ..	58	496	1	..	465	430	35	151	95	69	53	16	8	15
		Total ..	1,470	18,822	138	277	18,185	17,183	1,002	1,356	1,902	15,194	12,715	1,956	411	621

Serial number.	Law.	
1	2	
1	115	Abet off etc
	117	Abet cog etc.
	118, 119 ..	Conce non
	120B(1), 120B(2) ..	Non-co pirac
	Class I.—*Offences against the St etc. etc.*	
2	121 to 130, 505	Offences
3	137	Harbour of ship.
4	172 to 190, 201 to 204, 214, 225A, 227 to 229.	Offences
5	161 to 169, 217 to 223.	Offences b
6	193 to 200, 205 to 211, 421 to 424.	False evid and cl deeds property
7	465 to 477A ..	Forgery o forged o Governm Notes a
8	264 to 267 ..	Offences and mea
9	482 to 489 ..	Making or marks.
10	149, 153A to 156, 160.	Rioting, affray.
	Class II.—*Serious offences against*	
11	312 to 316 ..	Causing m
12	370	Buying or
12a	376 ..	Rape by t
	Class III.—*Serious offences again*	
13	384 to 389 ..	Extortio
	Class IV.—*Minor offences again*	
14	345	Wrongf
15	352, 355, 358 ..	Crimina
16	334	Hurt o vocat
17	323	Volunt
18	374	Compu

STATEMENT B.

Return of non-cognizable crime for the year 1942.

Part I.—Return of cases.

Serial number.	Law.	Offence.	Number pending at beginning of year.	Cases reported in the year.	Total for disposal (cols. 4 and 5).	Number dismissed without trial.	Cases in which accused died, escaped or became insane during trial or in which charges were abandoned, compounded or withdrawn (sections 247, 248, 259, 333, 345 and 494, C. P. C.).	Number of cases tried to a conclusion and ending in—		Number pending at close of year.	Number declared by the Court never to have occurred or to be mistakes of law or fact.	Number in which the Court held that a cognizable offence was committed.	Cases reversed on appeal or on revision.
								Discharge or acquittal.	Conviction.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	115	Abetment of non-cognizable offence not committed, etc.	..	..	..	..	..	..	..	..	..	..	..
	117	Abetting commission of non-cognizable offence by public, etc.	..	..	..	..	..	..	..	..	..	..	..
	118, 119 ..	Concealings design to commit non cognizable offence.	..	..	..	..	..	..	..	..	..	..	..
	120B(1), 120B(2) ..	Non-cognizable criminal conspiracy.	..	..	..	..	..	..	..	..	..	..	..
		Total	..	..	..	..	..	..	..	..	..	..	..
	Class I.—*Offences against the State, Public Tranquillity, etc. etc.*												
2	121 to 130, 505	Offences against the State	..	1	1	..	..	..	1	..	..	..	..
3	137	Harbouring deserters by Master of ship.	17	117	134	..	..	29	79	26	..	..	..
4	172 to 190, 201 to 204, 214, 225A, 227 to 229.	Offences against public justice	498	3,600	4,098	79	359	586	2,575	499	2	..	..
5	161 to 169, 217 to 223.	Offences by public servants ..	15	52	67	14	7	16	19	11	..	..	..
6	193 to 200, 205 to 211, 421 to 424.	False evidence, false complaints and claims and fraudulent deeds and disposition of property.	148	624	772	78	73	224	227	170	1	..	..
7	465 to 477A ..	Forgery or fraudulently using forged documents, not being Government Promissory Notes and falsifying accounts.	56	164	220	54	14	83	23	46	..	..	..
8	264 to 267 ..	Offences relating to weights and measures.	6	124	130	4	5	3	112	6	..	..	..
9	482 to 489 ..	Making or using false trade-marks.	4	15	19	2	1	3	11	2	..	..	..
10	149, 153A to 156, 160.	Rioting, unlawful assembly, affray.	23	142	165	1	15	35	98	16	..	..	..
		Total.. ..	767	4,839	5,606	232	474	979	3,145	776	3	..	..
	Class II.—*Serious offences against the Person.*												
11	312 to 316 ..	Causing miscarriage ..	7	5	12	2	1	7	1	1	..	..	..
12	370	Buying or disposing of slaves ..	..	2	2	2	..	..	..	..	..	..	..
12a	376 ..	Rape by the husband ..	..	10	10	5	..	4	1	..	..	..	..
		Total.. ..	7	17	24	9	1	11	2	1	..	..	..
	Class III.—*Serious offences against the Property.*												
13	384 to 389 ..	Extortion	71	438	509	205	36	157	22	89	2	..	..
	Class IV.—*Minor offences against the Person.*												
14	345	Wrongful confinement ..	..	5	5	3	..	2	..	..	..	..	..
15	352, 355, 358 ..	Criminal force	1,773	13,795	15,568	6,849	4,581	1,869	795	1,474	9	..	..
16	334	Hurt on grave or sudden provocation.	..	1	1	..	..	1	..	..	..	..	..
17	323	Voluntarily causing hurt	3,362	23,683	27,045	7,030	11,097	3,962	1,597	3,359	33	..	..
18	374	Compulsory labour ..	..	..	..	..	..	..	..	..	..	..	..
		Total.. ..	5,135	37,484	42,619	13,882	15,678	5,834	2,392	4,833	42	..	..

STATEMENT B.

Return of non-cognizable crime for the year 1942.

PART I.—Return of cases—*concld.*

Serial number.	Law.	Offence.	Number pending at beginning of year.	Cases reported in the year.	Total for disposal (columns 4 and 5).	Number dismissed without trial.	Cases in which accused died, escaped or became insane during trial or in which charges were abandoned, compounded or withdrawn (sections 247, 248, 259, 333, 345 and 494, C. P. C.).	Number of cases tried to a conclusion and ending in—		Number pending at close of year.	Number declared by the Court never to have occurred or to be mistakes of law or fact.	Number in which the Court held that a cognizable offence was committed.	Cases reversed on appeal or on revision.
								Discharge or acquittal.	Conviction.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Class V.—*Minor offences against Property.*												
19	417, 418 ..	Cheating	160	1,112	1,272	432	329	272	50	189	..	..	..
20	402 to 405 ..	Criminal misappropriation of property.	297	1,947	2,244	691	741	379	75	358	1	..	..
21	426, 427, 434 ..	Mischief (simple) ..	2,390	13,129	15,519	5,081	4,940	2,103	718	2,677	5	..	..
		Total.. ..	2,847	16,188	19,035	6,204	6,010	2,754	843	3,224	6	..	..
	Class VI.— *Other offences not specified above.*												
22	298	Offences against religion ..	1	4	5	1	2	1	1	..	..	..	..
23	490 to 492 ..	Criminal breach of contract of service.	..	2	2	1	..	1	..	..	..	..	..
24	493 to 498 ..	Offences relating to marriage ..	624	3,680	4,304	1,321	1,359	863	149	612	7	..	..
25	500 to 503 ..	Defamation ..	76	332	408	149	105	74	20	60	..	..	..
26	504, 506 to 510 ..	Intimidation, insult and annoyance.	284	2,596	2,879	1,107	757	451	216	348	15	..	..
27	271 to 276, 278, 284, 287, 288, 290.	Public and local nuisances ..	91	962	1,053	65	161	55	685	87	..	..	..
28	294A	Keeping a lottery office ..	..	1	1	..	..	..	1	..	..	..	..
29A	Cases under Chapter VIII (A), Cr. P. C.	Security for keeping the peace on conviction.	59	338	397	25	50	215	69	43	..	..	..
29B	....	Security cases under section 107, Cr. P. C.	258	998	1,256	117	186	648	73	232	..	..	..
30	Cases under Chapter X, Cr.P.C.	Public nuisance	84	401	485	6	148	175	87	69	..	..	..
31	Cases under Chapter XII, Cr. P. C.	Disputes as to immovable property.	576	1,939	2,515	49	274	(A)	(A)	440	..	..	..
32	Case under Chapter XXXVI, Cr. P. C.	Maintenance of wives and Children.	198	1,405	1,603	84	602	552	188	177	..	..	..
33	....	Frivolous and vaxatious charges, section 250, Cr. P. C.	..	133	133	..	1	44	87	1	..	..	..
34	....	Forfeiture of bonds, section 514, Cr. P. C.	28	878	906	..	18	125	713	50	..	..	..
		Total ..	2,278	13,669	15,947	2,925	3,663	3,199	2,289	2,119	22	..	..
35	....	Offences under other special and local laws not cognizable by Police.	6,856	46,967	53,823	1,336	5,930	4,051	36,707	5,799	36	..	..
		Grand Total	17,961	119,602	137,563	24,793	31,792	16,985	45,400	16,841	111	..	..

(A) Cases disposed of—1,752.

STATEMENT B.

Return of non-cognizable crime for the year 1942.

Part II.—Return of persons concerned in cases.

Serial number.	Law.	Offence.	Persons concerned in cases pending at beginning of the year, namely, under trial or against whom process had issued.	Persons against whom process issued.		Persons not arrested because absconded or evaded or failed to comply with summons during the year and persons against whom processes were outstanding at end of the year.	Persons who appeared before the courts.	Persons discharged after appearance without trial.	Persons tried.		Percentage of number convicted to number against whom process issued (columns 5 and 6).	Persons under trial at close of the year.	Remarks.		
				On complaint.	On Magistrate's own motion or information from the Police.				Acquitted or discharged.	Convicted.			Number concerned in cases abandoned, compounded, or withdrawn, and number who died, escaped or became insane during trial.	Number of those in column 11 convicted of cognizable offence.	Persons who died, escaped or who were transferred before appearance.
1	2	3	4	5	6	7	8	9	10	11	12	13	14(a)	14(b)	14(c)
1	115 ..	Abetment of non-cognizable offence not committed, etc.	..	..	..	..	..	..	..	..	..	..	..	..	..
	117 ..	Abetting commission of non-cognizable offence by public, etc.	..	..	..	..	..	..	..	..	..	..	..	..	..
	118, 119 ..	Concealing design to commit non-cognizable offence.	..	..	..	..	..	..	..	..	..	..	..	..	..
	120B (1), 120B (2).	Non-cognizable criminal conspiracy.	..	..	..	..	..	..	..	..	..	..	..	..	..
		Total	..	..	..	..	..	..	..	..	..	..	..	..	..
		Class I.—*Offences against the State, Public Tranquillity, etc., etc.*													
2	121 to 130, 505.	Offences against the State	..	1	..	..	1	...	..	1	100	..	..	..	..
3	137 ..	Harbouring deserters by Master of ship.	..	..	..	..	..	..	..	..	..	..	..		..
4	172 to 190, 201 to 204, 214, 225A, 227 to 229.	Offences against public justice.	713	5,485	811	124	6,885	453	1,725	3,693	58·6	716	293	..	5
5	161 to 169, 217 to 223.	Offences by public servants	17	46	5	1	67	9	20	23	45·09	6	9	..	..
6	193 to 200, 205 to 211, 421 to 424.	False evidence, false complaints and claims and fraudulent deeds, and disposition of property.	212	854	122	10	1,178	163	437	362	37·08	207	9	..	..
7	465 to 477A	Forgery or fraudulently using forged documents, not being Government Promissory Notes, and falsifying accounts.	88	302	2	7	385	29	232	40	13·1	82	2	..	..
8	264 to 267	Offences relating to weights and measures.	4	121	5	..	130	5	2	116	92·06	6	..	..	1
9	482 to 489	Making or using false trademarks.	12	23	7	..	42	1	10	28	93·3	3	..	..	..
10	149, 153A to 156, 160.	Rioting, unlawful assembly, affray.	38	552	20	1	609	50	150	347	60·6	62	..	..	..
		Total ..	1,084	7,384	972	143	9,297	710	2,576	4,610	55·1	1,082	313	..	6
		Class II.—*Serious offences against the Person.*													
11	312 to 316	Causing miscarriage ..	7	12	1	..	20	3	11	3	23·07	3	..	..	..
12	370 ..	Buying or disposing of slaves.	..	3	..	..	3	3	..	..	..	..	..	..	..
12A	376 ..	Rape by the husband ..	..	16	..	..	16	5	7	1	6·2	3	..	..	..
		Total	7	31	1	..	39	11	18	4	12·5	6	..	..	..
		Class III.—*Serious offences against the Property.*													
13	384 to 389	Extortion	109	504	2	7	608	63	346	71	14·03	106	22	..	..
		Total	109	504	2	7	608	63	346	71	14·03	106	22	..	..

STATEMENT B.

Return of non-cognizable crime for the year 1942.

PART II.—Return of persons concerned in cases—*concld.*

Serial number.	Law.	Offence.	Persons concerned in cases pending at beginning of the year, namely, under-trial or against whom process had issued.	Persons against whom process issued.		Persons not arrested because absconded or evaded or failed to comply with summons during the year and persons against whom processes were outstanding at end of the year.	Persons who appeared before the courts.	Persons discharged after appearance without trial.	Persons tried.		Percentage of number convicted to number against whom process issued (columns 5 and 6).	Persons under trial at close of the year.	Remarks.		
				On complaint.	On Magistrate's own motion or information from the Police.				Acquitted or discharged.	Convicted.			Number concerned in cases abandoned, compounded, or withdrawn, and number who died, escaped or became insane during trial.	Number of those in column 11 convicted of cognizable offence.	Persons who died, escaped, or who were transferred before appearance.
1	2	3	4	5	6	7	8	9	10	11	12	13	14(*a*)	14(*b*)	14(*c*)
		CLASS IV.—*Minor offences against the Person.*													
14	345 ..	Wrongful confinement ..	..	3	..	..	3	..	3	..	..	..	..	..	..
15	352, 355, 358.	Criminal force ..	1,579	11,579	5	351	12,812	4,354	3,407	954	8·2	1,238	2,859	..	..
16	334 ..	Hurt or grave or sudden provocation.	391	1,597	..	..	1,988	498	456	458	28·6	474	102	..	..
17	323 ..	Voluntarily causing hurt ..	4,538	32,446	3	1,266	35,721	11,252	8,411	3,486	10·7	5,240	7,332	..	..
18	374 ..	Compulsory labour ..	..	..	..	..	..	..	..	..	..	..	..	..	..
		Total	6,508	45,625	8	1,617	50,524	16,104	12,277	4,898	10·7	6,952	10,293	..	..
		CLASS V.—*Minor offences against the Property.*													
19	417, 418 ..	Cheating	160	1,239	..	27	1,372	343	489	159	12·8	214	167	..	..
20	403 to 405	Criminal misappropriation of property.	274	1,878	2	49	2,106	717	552	144	7·6	333	360	..	..
21	426, 427, 434.	Mischief (simple) ..	3,293	18,818	..	692	21,419	6,415	5,765	2,139	11·3	3,563	3,537	..	..
		Total	3,727	21,935	3	768	24,897	7,475	6,806	2,442	11·1	4,110	4,064	..	..
		CLASS VI.—*Other offences not specified above.*													
22	295A, 298	Offences against religion ..	..	7	..	..	7	3	1	2	28·5	..	1	..	..
23	490 to 492	Criminal breach of contract of service.	..	1	..	..	1	..	1	..	..	..	..	..	..
24	493 to 498	Offences realting to marriage.	909	6,143	..	170	6,882	2,147	2,259	461	7·5	880	1,135	..	..
25	500 to 502	Defamation	85	360	..	6	439	136	137	41	11·3	69	56	..	..
26	504, 506 to 510.	Intimidation, insult and annoyance.	254	2,256	96	62	2,544	781	645	357	15·1	383	377	..	1
27	271 to 276, 278, 284, 287, 288, 290.	Public and local nuisances	174	1,322	50	30	1,516	313	143	921	67·1	70	69	..	..
28	294A ..	Keeping a lottery office ..	..	..	..	..	..	..	..	..	..	..	..	..	..
29A	Cases under Chapter VIIIA, Cr. P. C. ..	Security for keeping the peace on conviction.	513	2,135	336	3	2,981	507	1,599	322	13·03	364	189	..	..
29B		Security cases under section 107, Criminal Procedure Code.	1,061	4,532	378	89	5,882	853	2,916	297	6·05	1,345	471	..	..
30	Cases under Chapter X, Cr. P. C.	Public nuisance ..	340	,519	372	4	2,227	599	694	372	19·6	423	139	..	..
31	Cases under Chapter XII, Cr. P. C.	Disputes as to immovable property.	582	3,425	91	..	4,098	853	(*a*)	(*a*)	68·1	789	59	..	..
32	Cases under Chapter XXXVI, Cr. P. C.	Maintenance of wives and children.	174	1,384	..	36	1,495	479	523	186	13·4	126	181	..	..
33	..	Frivolous and vexatious charges, section 250, Cr. P. C.	1	67	68	..	136	..	10	124	91·8	1	1	..	..
34	..	Forfeiture of bonds, section 514, Cr. P. C.	26	669	317	1	1,011	16	147	790	80·1	53	5	..	..
		Total	4,092	23,820	1,708	401	29,219	6,687	9,075	3,873	15·1	4,503	2,683	..	1
35	..	Offences under other special or local laws not cognizable by the Police.	4,803	40,682	18,579	3,411	60,753	2,510	5,424	46,032	77·6	2,398	4,382	..	7
		Grand Total	20,330	139,981	21,373	6,347	1,75,337	33,560	36,522	61,930	38·3	19,157	21,757	..	14

(*a*) Persons disposed of—2,397.

STATEMENT C.

Property stolen and recovered, 1942.

Offence.	Number of cases in which property was stolen.	Number of cases in which property was recovered.	Percentage of cases in which property was recovered to cases in which property was stolen.	Amount of property stolen.	Amount of property recovered.	Percentage of value of property recovered to value of property stolen.	Remarks.	Number concerned in cases abandoned, compounded, or withdrawn, and number who died, escaped or became insane during trial.	Number of those in column 11 convicted of cognizable offence.	Persons who died, escaped, or who were transferred before appearance.
1	2	3	4	5	6	7		14(a)	14(b)	14(c)
(A)—Cognizable.				Rs. a. p.	Rs. a. p.					
1. Theft—										
(a) In conjunction with lurking house-trespass or house-breaking.	25,306	3,906	15·43	24,65,099 7 3	85,080 0 3	3·45		..	..	..
(b) In conjunction with receiving of stolen property.	2,540	2,435	95·8	4,97,752 15 6	98,788 14 6½	20·6		2,859	..	..
(c) Other thefts	17,244	5,992	34·7	11,50,632 14 7	1,68,104 7 10	14·6		102	..	..
								7,332	..	..
								..	..	..
2. Robbery—								10,293	..	..
(a) Dacoity	1,293	236	18·25	8,58,208 5 4½	25,779 7 4½	3·003				
(b) Other robbery	604	102	16·88	1,39,986 12 10½	4,206 9 0	3·004				
								167	..	..
								360	..	..
3. Criminal breach of trust ..	366	95	25·95	97,374 0 6	13,875 13 5½	14·25		3,537	..	..
4. Criminal breach of trust by public servant or by a banker, merchant, or agent.	57	15	26·3	45,266 0 10½	10,143 13 0	22·407		4,064	..	..
Total ..	47,410	12,781	26·96	52,36,320 8 11½	4,05,979 1 5½	7·75				
								1	..	..
								..	..	..
(B)—Non-cognizable.								1,135	..	..
5. Extortion	20	..	..	738 0 0	..	..		56	..	..
								377	..	1
6. Criminal misappropriation ..	172	20	11·62	9,611 10 0	586 0 0	6·09		69	..	..
Total ..	192	20	10·4	10,349 10 0	586 0 0	5·66				
								..	..	..
								189	..	..
								471	..	..
								139	..	..
								59	..	..
								181	..	..
								1	..	..
								5	..	..
								2,683	..	1
								4,382	..	7
								21,757	..	14

STATEMENT D.

Showing the sanctioned strength and cost of the Civil Police

Districts.	Number of Inspector-General and Deputy Inspectors-General.	Number of Superintendents.	Number of Assistant Superintendents.	Number of Deputy Superintendents.	Number of Inspectors.	Number of Sub-Inspectors.	Number of Sergeants.	Number of Assistant Sub-Inspectors and Head Constables.				Number of Constables.			Total.	Total cost payable from Imperial and Provincial revenues.	Total cost payable from sources other than
								Assistant Sub-Inspectors.	Head Constables.			Foot.	Mounted.	Water.			
									Foot.	Mounted.	Water.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Office of the Inspector-General of Police ..	1	2	..	..	..	..	..	..	2	..	..	24	..	..	29	..	.
Presidency, Dacca, Rajshahi, Burdwan and Bakarganj Ranges ..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	5	..	.
Criminal Investigation Department and Intelligence Branch ..	1	3	1	7	49	104	..	43	4	..	..	134	..	..	346	..	.
Total ..	7	5	1	7	49	104	..	43	6	..	..	158	..	..	380	..	.
Dacca	..	4	2	1	15	114	10	105	72	..	..	1,398	..	..	1,721	..	.
Mymensingh ..	..	3	2	1	16	146	..	120	54	..	..	1,297	..	..	1,639	..	.
Faridpur ..	..	2	1	1	10	67	..	73	30	..	..	703	..	..	887	..	.
Bakarganj ..	..	3	1	1	12	102	1	92	38	..	..	945	..	..	1,195	..	.
Total ..	..	12	6	4	53	429	11	390	194	..	..	4,343	..	..	5,442	..	.
Chittagong	..	1	..	1	9	53	3	58	32	..	..	684	..	..	841	..	.
Tippera	..	2	1	1	8	63	..	64	29	..	..	642	..	..	810	..	.
Noakhali	..	1	1	1	6	31	..	30	14	..	..	324	..	..	408	..	.
Total ..	..	4	2	3	23	147	3	152	75	..	..	1,650	..	..	2,059	..	.
Rajshah	..	1	..	1	7	53	..	52	23	..	..	534	..	..	671	..	.
Dinajpur	..	1	..	1	9	59	..	55	19	..	..	543	..	..	687	..	.
Jalpaiguri	..	1	..	1	5	39	1	33	20	..	..	460	..	..	560	..	.
Rangpur	..	2	..	1	10	76	..	63	27	..	..	656	..	..	835	..	.
Bogra	..	1	..	..	6	33	..	28	12	..	..	298	..	..	378	..	.
Pabna	..	1	..	..	7	53	..	43	21	..	..	472	..	..	597	..	.
Malda	..	1	..	1	4	34	..	31	13	..	..	339	..	..	423	..	.
Darjeeling	..	1	..	1	6	32	2	24	46	..	..	521	..	..	633	..	.
Total ..	..	9	..	6	54	379	3	329	181	..	..	3,823	..	..	4,784	..	.
Burdwan	..	1	..	1	10	63	1	68	33	..	..	826	..	..	1,003	..	.
Birbhum	..	1	..	1	5	33	..	30	13	..	..	317	..	..	400	..	.
Bankura	..	1	..	1	5	37	..	38	21	..	..	476	..	..	579	..	.
Midnapore	..	2	3	1	12	103	1	80	48	..	..	994	..	..	1,244	..	.
Hooghly	..	1	3	1	10	73	1	54	81	..	..	1,166	..	..	1,390	..	.
Howrah	..	1	..	2	9	62	7	49	88	..	..	1,389	..	..	1,607	..	.
Total ..	..	7	6	7	51	371	10	319	284	..	..	5,168	..	..	6,223	..	.
24-Parganas ..	..	2	2	2	16	132	2	100	134	..	..	1,974	..	..	2,364	..	.
Nadia	..	1	..	1	8	66	..	50	39	..	..	756	..	..	921	..	.
Murshidabad ..	..	1	..	1	7	52	..	48	44	..	..	740	..	..	893	..	.
Jessore	..	1	1	..	8	62	..	54	20	..	..	532	..	..	678	..	.
Khulna	..	1	1	..	6	62	..	53	21	..	..	527	..	..	671	..	.
Total ..	..	6	4	4	45	374	2	305	258	..	..	4,529	..	..	5,527	..	.
Railway Police.																	
Govt. Railway police, Howrah	..	1	..	..	6	32	8	24	27	..	..	304	..	..	402	..	.
Bengal and Assam Railway, Sealdah	..	1	..	..	5	21	8	22	24	..	..	279	..	..	360	..	.
Bengal and Assam Railway, Saidpur	..	1	..	..	4	16	3	19	22	..	..	247	..	..	312	..	.
Total ..	..	3	..	..	15	69	19	65	73	..	..	830	..	..	1,074	..	.
Port Police	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	.
Police Training College ..	..	1	..	..	8	14	..	17	49	..	..	12	..	..	101	..	.
Total ..	..	1	..	..	8	14	..	17	49	..	..	12	..	..	101	..	.
Grand Total ..	7	(a) 47	(f) 19 (b) 28 =47	(c) 31	298	1,887	48	1,620	1,120	..	..	20,513 (f)	..	..	(f) 25,590 (b) 28 =25,618	20,602,533 (d)	(e

(a) Excluding 7 officers employed as Deputy Commissioners in the Calcutta Police.
(b) Of the sanctioned strength of 47 Assistant Superintendents, 19 represents the number available for inferior charges and the remaining appointments are intended to provide a reserve for leave, training and deputation.
(c) The sanctioned number of Deputy Superintendents is 31. One post which was kept vacant has been temporarily filled under Government orders.

(d) Figures for t
(e) Under the ex
(f) Includes 219

	Superintendents.	Deputy Superintendents.	Inspectors.	Sub-Inspectors.
For the Intelligence Branch and the District Intelligence Branches	2	6	16	52
For the Intelligence Branch and the District Intelligence Branches (War Emergency)	..	2	5	68
For Range Reserve Force (unarmed) ..	..	..	5	25
Force for "Agency Functions" ..	..	..	2	16
For duties in other places (including A. R. P. forces)	3	6	2	68
Total ..	5	14	30	229

STATEMENT D.

ned strength and cost of the Civil Police for the year 1942.

Number of Constables.			Total cost payable from Imperial and Provincial revenues.	Total cost payable from sources other than Imperial and Provincial revenues.	Grand total cost (columns 17 and 18).	Area of districts in square miles.	Population.	Urban population of districts.	Number of police-stations.	Number of outposts.	Proportion of police.		Total amount of cognizable crime investigated.	Proportion of cognizable crime investigated to the police force.
Mounted.	Water.	Total.									To area.	To population.		
14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
..	..	29	..	..	..	..	..	..	..	..	..	....	..	..
..	..	5	..	..	..	..	..	..	..	..	..	....	..	..
..	..	346	..	..	..	..	..	..	..	..	..	....	..	..
..	..	380	..	..	..	..	..	..	..	..	..	....	..	..
..	..	1,721	..	..	..	2,756	3,493,314	172,707	35	..	1 to 1·5	1 to 2,123·12	8,697	5·03
..	..	1,639	..	..	..	6,237	5,130,262	139,703	50	..	1 „ 3·8	1 „ 3,139·6	5,081	3·09
..	..	887	..	..	..	2,359	2,363,394	49,514	23	..	1 „ 2·6	1 „ 2,664·4	2,186	2·4
..	..	1,195	..	..	..	3,523	2,939,050	67,109	34	..	1 „ 2·9	1 „ 2,451·08	4,314	3·6
..	..	5,442	..	..	..	14,875	13,926,020	429,033	142	..	1 „ 2·7	1 „ 2,556·2	20,248	3·7
..	..	841	..	..	..	2,570	1,797,038	58,174	21	..	1 „ 3·05	1 „ 2,178·2	3,024	3·6
..	..	810	..	..	..	2,551	3,047,819	74,865	20	..	1 „ 3·1	1 „ 3,762·8	2,911	3·5
..	..	408	..	..	..	1,518	1,706,719	23,938	14	..	1 „ 3·7	1 „ 4,193·4	1,515	3·8
..	..	2,059	..	..	..	6,639	6,551,576	156,977	55	..	1 „ 3·2	1 „ 3,183·4	7,450	3·6
..	..	671	..	..	..	2,401	1,344,020	38,486	22	..	1 „ 3·6	1 „ 2,003·01	2,291	3·4
..	..	687	..	..	..	3,954	1,761,978	19,156	30	..	1 „ 5·7	1 „ 2,564·7	2,133	3·1
..	..	560	..	..	..	2,932	983,357	18,962	17	..	1 „ 5·2	1 „ 1,755·9	1,509	2·7
..	..	835	..	..	..	3,496	2,594,785	65,766	30	..	1 „ 4·2	1 „ 3,107·5	3,270	3·6
..	..	378	..	..	..	1,586	1,164,871	19,098	13	..	1 „ 4·2	1 „ 3,081·66	908	2·4
..	..	597	..	..	..	1,818	1,445,654	54,371	17	..	1 „ 3·04	1 „ 2,417·4	2,115	3·4
..	..	423	..	..	..	1,764	1,053,766	35,512	15	..	1 „ 4·15	1 „ 2,497·07	885	2·1
..	..	633	..	..	..	1,212	319,635	43,479	12	..	1 „ 1·9	1 „ 504·9	1,631	2·5
..	..	4,784	..	..	..	19,163	10,668,066	294,830	156	..	1 „ 4·0	1 „ 2,229·9	14,545	3·04
..	..	1,003	..	..	..	2,705	1,575,699	129,885	23	..	1 „ 2·6	1 „ 1,578·8	3,312	3·3
..	..	400	..	..	..	1,699	947,554	20,877	14	..	1 „ 4·2	1 „ 2,374·8	609	1·5
..	..	579	..	..	..	2,625	1,111,721	67,242	19	..	1 „ 4·5	1 „ 1,923·39	1,066	1·8
..	..	1,244	..	..	..	5,245	2,799,093	138,584	33	..	1 „ 4·2	1 „ 2,251·8	3,573	2·8
..	..	1,390	..	..	..	1,118	1,114,255	203,593	18	..	1 „ ·9	1 „ 805·6	1,993	1·4
..	..	1,607	..	..	..	522	1,098,867	255,220	16	..	1 „ ·3	1 „ 686·3	5,549	3·4
..	..	6,223	..	..	..	13,984	8,647,189	815,401	123	..	1 „ 2·2	1 „ 1,358·06	16,102	2·6
..	..	2,364	..	..	..	5,257	2,713,874	538,609	38	..	1 „ 2·2	1 „ 1,151·4	5,453	2·3
..	..	921	..	..	..	2,881	1,529,632	104,831	25	..	1 „ 3·1	1 „ 1,659·03	2,016	2·2
..	..	893	..	..	..	2,091	1,370,677	91,808	20	..	1 „ 2·3	1 „ 1,533·19	1,999	2·2
..	..	678	..	..	..	2,902	1,671,164	20,792	23	..	1 „ 4·2	1 „ 2,464·84	2,114	3·1
..	..	671	..	..	..	4,689	1,626,148	35,315	22	..	1 „ 6·9	1 „ 2,423·46	1,956	2·9
..	..	5,527	..	..	..	17,820	8,911,495	791,355	128	..	1 „ 3·2	1 „ 1,611·2	13,538	2·5
..	..	402	..	..	..	..	..	..	..	..	..	..	..	..
..	..	360	..	..	..	..	..	..	..	..	..	..	..	..
..	..	312	..	..	..	..	..	..	..	..	..	..	..	..
..	..	1,074	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	101	..	..	..	..	..	..	..	..	..	..	..	..
..	..	101	..	..	..	..	..	..	..	..	..	..	..	..
..	..	(f) 25,590 (b) 28 =25,618	20,602,533 (d)	(e)	20,602,533	72,481	48,704,346	2,487,596	639	..	1 „ 2·83	1 „ 1,901·2	71,883	2·8

(d) Figures for the financial year as furnished by the Accountant-General are shown here.
(e) Under the existing arrangements, Government pay for the Crime Police and the Railways for the other police.
(f) Includes 219 naiks.

g appointments are intended
nt orders.

	Superintendents.	Deputy Superintendents.
ict ..	2	6
ict	..	2
..	..	..
..	..	..
P. ..	3	6
.	5	14

Inspectors.	Sub-Inspectors.	Sergeants.	Assistant Sub-Inspectors.	Head Constables.	Constables.
16	52	1	56	23	483
5	68	1	79	2	623
5	25	..	..	85	1,500
2	16	..	13	186	1,803
2	68	19	33	10	219
30	229	21	181	306	4,628

STATEMENT D (1).

Showing the strength and cost of the Eastern Frontier Rifles (Bengal Battalion) for the year 1942.

Battalion.	District.	Sanctioned strength of police force paid from Provincial revenues.							Cost of police.			Vacancies on 31st December 1942.	
		Number of Commandants.	Number of Assistant-Commandants.	Number of Subadars and Jamadars.	Number of Havildars and Naiks.	Number of Sepoys (including buglers, supernumeraries and recruit boys).	Total.	Total number mounted (columns 4 to 7).	Total pay of all ranks.*	All other expenditure.	Total cost.	Officers.	Non-commissioned officers and men.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
									Rs. a. p	Rs. a. p.	Rs. a. p.		
Eastern Frontier Rifles (Bengal Battalion).	Dacca ..	1	3	16	66	762	848	..	2,82,599 0 0	1,92,761 0 0	4,75,360 0 0	..	19
	Total..	1	3	16	66	762	848	..	2,82,599 0 0	1,92,761 0 0	4,75,360 0 0	..	19

*Including clerical and hospital establishments.

*Including clerical and hospital establishments.

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942.

	Vacancies on 31st December 1942.	
	Officers.	Non-commissioned officers and men.
	13	14
	..	19
	..	19

STATEMENT E.

STATEMENT

Showing equipment, discipline and general internal

Districts.	Total strength.				Armament of the force.			Punishment.											
	Sanctioned.*		Actual.*					Dismissed.		Punished departmentally otherwise than by dismissal. (e)		Punished judicially by a Magistrate or Sessions Court.							
												Under Police Act.		Under sections 330, 331 and 348, Indian Penal Code.		Under Chapter IX of Indian Penal Code.		Other offences.	
	Officers.	Men.	Officers.	Men.	Number of rifles.	Number of smooth-bores.	Number of revolvers.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Dacca ..	139	1,575	107	1,559	..	533	138	..	20	1	32	..	7	..	..	..	..	..	2
Mymensingh ..	162	1,471	117	1,451	..	600	93	..	12	7	25	..	2	..	..	..	..	..	..
Faridpur ..	77	806	59	800	..	374	51	..	3	..	12	..	..	..	..	..	..	..	..
Bakarganj ..	115	1,075	81	1,061	..	478	52	..	7	2	15	..	..	..	..	..	..	..	..
Total ..	493	4,927	364	4,871	..	1,985	334	..	42	10	84	..	9	..	..	..	..	..	2
Chittagong ..	65	774	58	770	..	511	90	..	16	5	31	..	..	..	..	..	..	..	..
Tippera ..	71	735	47	726	..	322	59	..	16	..	11	..	8	..	..	..	..	..	9
Noakhali ..	37	368	31	365	..	196	25	..	7	6	9	..	..	..	..	..	..	..	..
Total ..	173	1,877	136	1,861	..	1,029	174	..	39	11	51	..	8	..	..	..	..	..	9
Rajshahi ..	60	609	49	609	..	280	29	..	4	1	9	..	5	..	..	..	..	..	1
Dinajpur ..	68	617	55	616	..	298	21	..	3	..	1	..	..	..	..	..	..	..	..
Jalpaiguri ..	45	513	32	495	..	315	27	..	6	4	27	..	..	..	..	..	..	..	..
Rangpur ..	86	746	69	738	..	356	43	..	3	..	18	..	2	..	..	..	..	..	..
Bogra ..	39	338	31	331	..	165	20	..	3	1	1	..	1	..	..	..	..	..	..
Pabna ..	60	536	47	531	..	236	30	..	11	1	8	..	..	..	..	..	..	..	..
Malda ..	38	383	29	378	..	180	20	1	4	..	2	..	..	..	..	..	..	..	..
Darjeeling ..	40	591	34	589	..	216	36	..	1	2	6	..	..	..	..	..	..	..	..
Total ..	436	4,333	346	4,287	..	2,046	226	1	35	9	72	..	8	..	..	..	..	..	*1
Burdwan ..	74	927	153	892	..	406	36	..	3	1	5	..	..	..	..	..	..	..	..
Birbhum ..	38	360	28	354	..	203	23	..	2	..	..	..	..	..	..	..	..	..	..
Bankura ..	42	535	27	518	..	228	23	..	2	1	10	..	3	..	..	..	..	..	..
Midnapore ..	116	1,122	83	1,098	..	484	87	2	4	..	12	..	12	..	..	..	..	..	3
Hooghly ..	84	1,301	68	1,282	..	409	44	..	20	8	25	..	4	..	..	..	..	..	14
Howrah ..	78	1,526	64	1,483	..	453	36	..	8	..	29	..	5	..	..	..	..	..	4
Total ..	432	5,771	323	5,627	..	2,183	249	2	39	10	81	..	24	..	..	..	..	..	17
24-Parganas ..	150	2,208	126	2,123	..	810	57	..	9	2	31	..	13	..	..	..	..	..	27
Nadia ..	74	845	55	816	..	318	29	..	15	1	20	..	4	..	..	..	..	..	..
Murshidabad ..	59	832	42	822	..	274	32	..	11	3	12	..	5	..	..	..	..	..	..
Jessore ..	70	606	57	597	..	296	24	..	..	..	2	..	..	..	..	..	..	..	..
Khulna ..	68	601	58	593	..	296	42	..	3	1	3	..	1	..	..	..	..	..	1
Total	421	5,092	338	4,951	..	1,994	184	..	38	7	68	..	23	..	..	..	..	..	28
Criminal Investigation Department and Intelligence Branch.	153	181	147	175	..	96	564	..	..	..	4	..	..	..	..	..	..	..	8
Office of the Inspector-General of Police.	..	26	..	26	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bengal and Assam Railway, Saidpur.	23	288	18	284	..	..	30	..	1	1	3	..	1	..	..	..	..	..	..
Bengal and Assam Railway, Sealdah.	34	325	25	319	..	..	32	..	2	1	4	..	..	..	..	..	..	..	..
Govt. Railway police, Howrah.	46	355	36	348	..	..	9	..	2	1	3	..	..	..	..	..	..	..	..
Total	256	1,175	226	1,152	..	96	635	..	5	3	14	..	1	..	..	..	..	..	..
Port Police ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Police Training College, Sardah.	22	78	19	74	..	750	40	..	..	..	..	..	..	..	..	..	..	..	..
Grand Total ..	2,233	23,253 (a)	1,752	22,824	..	10,083 (b)	1,842 (c)	3	198	50 (e)	370 (e)	..	73	..	..	..	..	..	57

*Excluding superior officers of and above the rank of Deputy Superintendents of Police. Does not tally with the figures in column 16 of Statement D which includes them.

(a) Includes 1,620 Assistant Sub-Inspectors.

(b) The total number, viz., 10,083, tallies with the total number shown in the Armament Statement for 1942. The number excludes 32 confiscated guns sanctioned for the use of the police.

E.

management of the civil police for the year 1942.

Rewards.		Education.		Number of constables.					Number who have left the force during the year.						Percentage on total actual strength of—		
Rewarded during the year.		Number who can read and write.															
By promotion.	By khillats, presents, good service marks or money rewards.	Officers.	Men.	Number enlisted during the year.	Of 1 year's and under 3 years' service.	Of 3 years' and under 10 years' service.	Of 10 years' and under 17 years' service.	Of 17 years' service and over.	On pension or gratuity.	By resignation without pension or gratuity.	By dismissal.	By discharge other than by under the preceding columns.	By desertion.	By death.	Admission into hospital.	Daily average number of men absent from duty on account of sickness.	Deaths.
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
..	1,173	107	1,559	276	208	319	534	337	74	52	20	43	11	10	49·6	3	·59
..	654	117	1,436	247	277	228	478	220	60	13	12	15	1	5	61·4	44	·31
..	336	59	800	124	90	126	252	200	53	2	3	2	..	4	67·4	·3	·46
..	465	81	1,003	99	210	230	246	259	53	6	7	23	5	9	58·4	·3	·77
..	2,628	364	4,798	746	785	903	1,510	1,016	240	73	42	83	17	28	58·18	·24	·53
..	873	58	770	26	136	225	220	102	32	4	16	4	1	11	144·1	1·2	·82
..	640	47	726	101	87	162	211	177	23	12	16	10	5	3	52·7	·16	·38
..	258	31	365	106	68	95	72	86	42	1	7	4	2	1	50·4	1·5	·17
..	1,771	136	1,861	233	291	482	503	365	97	17	39	18	8	15	87·4	·9	·69
..	610	49	609	93	27	122	191	195	19	4	4	3	..	3	68·1	·2	·45
..	1,017	55	616	45	57	188	188	133	37	12	3	2	..	4	60·05	·18	·59
..	330	32	495	81	130	158	153	83	17	10	6	10	..	10	90·7	·4	1·0
..	411	69	734	400	77	171	215	189	40	4	3	14	6	8	100·7	·6	·99
..	304	31	331	64	48	86	112	66	9	10	3	8	..	4	74·02	·14	1·14
..	445	47	531	123	72	109	192	95	17	12	11	5	..	2	81·1	2·7	·34
..	168	29	378	84	47	99	103	86	26	4	5	1	..	..	109·5	·3	..
..	252	34	589	53	82	144	157	168	15	2	1	5	..	6	56·6	·16	·91
..	3,537	346	4,283	943	540	1,077	1,311	1,014	180	59	36	48	6	37	79·3	·64	·79
..	547	53	892	208	116	216	271	193	33	30	3	17	9	7	81·7	·46	·74
..	246	28	348	98	44	79	109	84	15	5	2	2	..	4	119·1	·4	1·05
..	160	27	518	68	68	104	131	159	34	6	2	4	..	2	80·6	·2	·36
..	503	83	1,098	199	261	286	326	244	67	19	6	18	2	15	89·9	·6	1·13
..	985	68	1,276	201	153	280	423	300	20	32	20	29	9	14	102·9	2·4	1·04
..	1,516	64	1,483	198	188	362	504	397	38	35	8	23	13	11	38·4	·17	·69
..	3,957	323	5,615	972	830	1,327	1,764	1,377	207	127	41	93	33	53	79·17	·83	·89
..	1,234	126	2,123	283	226	567	591	516	66	51	9	41	31	12	106·1	1·9	·53
..	735	55	816	133	106	194	262	168	32	5	15	16	4	7	84·7	·5	·8
..	333	42	822	134	210	81	74	375	45	48	11	4	2	3	64·7	·27	·34
..	413	57	592	153	26	111	214	114	25	28	..	4	..	2	75·8	·3	·3
..	348	58	593	84	80	159	175	106	35	16	3	11	..	2	63·4	·18	·3
..	3,063	338	4,946	787	648	1,112	1,316	1,279	203	118	38	76	37	26	86·3	·9	·49
..	340	147	175	..	..	21	54	54	20	..	..	..	..	..	28·9	·003	·31
..	..	..	26	..	..	10	9	7	..	..	..	..	..	..	33·3	·002	..
..	253	18	282	8	43	54	62	85	19	8	1	..	1	3	34·9	·028	·99
..	188	25	319	17	20	45	112	96	10	..	2	1	..	2	52·6	·07	·59
..	287	36	348	9	48	30	117	105	16	4	2	1	3	2	24·7	·01	·51
..	1,068	226	1,150	34	111	160	354	347	65	12	5	2	4	7	37·08	·03	·28
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	15	19	74	..	..	1	9	1	1	..	..	..	..	..	43·01	·11	..
..	16,039	1,752	22,727	3,715	3,205	5,062 (d)	6,667	5,399	993	406	201	320	115	167	74·5	1·45	·67

(c) The total number, viz. 1,842, tallies with the total number shown in the Armament Statement for 1942.

(d) This includes constables of three years' and under seven years' and of seven years' and under ten years' service.

(e) Excludes black marks, warnings and punishments of summary nature.

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STATEMENT H.

Showing the strength and cost of the village watch in several districts of the Province wi

Serial No.	Subdivisions.	Number of chaukidars under Act VI (B.C.) of 1870 and Bengal Act V of 1919.	Number of other chaukidars.	Number of dafadars.	Total number of chaukidars and dafadars.	Total cost of chaukidars and dafadars.	Number judicially punished.		Number dismissed including departmental dismissals.	Numbe fined departmentall
							For neglect of duty.	For substantive offences, such as theft, etc.		
1	2	3	4	5	6	7	8	9	10	11
						Rs. a. p.				
1	Dacca	1,024	..	113	1,137	84,325 0 0	..	..	2	31
2	Narayanganj	905	..	88	993	72,720 0 0	..	..	1	27
3	Munshiganj	589	..	71	660	57,630 0 0	..	..	2	23
4	Manikganj	524	..	64	588	52,950 0 0	..	..	1	19
	Total ..	3,042	..	336	3,378	2,67,625 0 0	..	..	6	1,01
5	Mymensingh	1,643	..	225	1,868	1,39,896 0 0	..	..	..	22
6	Jamalpur	967	..	124	1,091	81,528 0 0	..	..	1	29
7	Tangail	1,200	..	121	1,321	98,016 0 0	..	..	6	18
8	Netrakona	1,072	..	124	1,196	89,088 0 0	..	..	6	34
9	Kishoreganj	1,192	..	128	1,320	98,130 0 0	..	..	6	63
	Total	6,074	..	722	6,796	5,06,658 0 0	..	..	19	1,68
10	Faridpur	697	..	106	803	74,138 0 0	..	..	3	19
11	Gopalganj	572	..	82	654	59,727 11 0	..	..	8	23
12	Goalundo	432	..	71	503	46,207 7 0	..	..	4	12
13	Madaripur	1,158	..	135	1,293	1,18,633 5 6	8	2	10	82
	Total	2,859	..	394	3,253	2,98,706 7 6	8	2	25	1,37
14	Barisal	2,085	..	186	2,271	11,361 0 0	..	..	11	11
15	Pirojpur	1,460	..	135	1,595	1,17,539 0 0	..	..	9	36
16	Patuakhali	1,296	..	122	1,418	86,544 0 0	..	1	7	29
17	Bhola	583	..	50	633	39,948 0 0	50	..	16	20
	Total	5,424	..	493	5,917	2,55,392 0 0	50	1	43	97
18	Chittagong	1,884	..	256	2,140	1,31,472 0 0	10	..	7	54
19	Cox's Bazar	307	..	42	349	22,650 0 0	..	..	12	14
	Total	2,191	..	298	2,489	1,54,122 0 0	10	..	19	68
20	Comilla	1,218	..	228	1,446	1,38,208 4 9	74	..	22	57
21	Brahmanbaria	727	..	124	851	73,427 0 0	..	1	6	27
22	Chandpur	568	..	96	664	55,392 5 9	..	..	2	25
	Total	2,513	..	448	2,961	2,67,027 10 6	74	1	30	1,10
23	Noakhali	1,279	..	114	1,393	1,30,158 0 0	..	..	15	28
24	Feni	497	..	37	534	38,345 0 0	..	..	..	6
	Total	1,776	..	151	1,927	1,68,503 0 0	..	..	15	35
25	Rajshahi	981	..	100	1,081	79,488 0 0	8	..	5	3
26	Naogaon	880	..	78	958	75,665 8 3	..	..	2	2
27	Nator	683	..	66	749	55,508 0 0	8	..	2	4
	Total	2,544	..	244	2,788	2,10,661 8 3	16	..	9	1,0

STATEMENT H.

ch in several districts of the Province with figures of rewards and punishments during the year 1942.

Number judicially punished.		Number dismissed including departmental dismissals.	Number fined departmentally.	Percentage of chaukidars punished (columns 8, 9, 10 and 11 to column 6).	Number rewarded by judicial officers, i.e., in Arms Act, Excise, etc., cases.	Total amount distributed in rewards (excluding payments from the Chaukidari Reward Fund).	Number departmentally rewarded.	Percentage of chaukidars rewarded (columns 13 and 15 to column 6).	Total amount distributed in rewards, etc., from the Chaukidari Reward Fund.	Total receipts from all sources, including balance from the previous year.	Balance in hand at the close of the year.
For neglect of duty.	For substantive offences, such as theft, etc.										
8	9	10	11	12	13	14	15	16	17	18	19
						Rs. a. p.			Rs. a. p.	Rs. a. p.	Rs. a. p.
..	..	2	316	28	..	..	75	6·5			
..	..	1	275	27·8	..	..	52	5·2	772 8 6	1,073 4 2	300 11 8
..	..	2	232	35·5	..	..	60	9·09			
..	..	1	190	32·5	..	..	51	8·7			
..	..	6	1,013	30·4	..	..	238	7·04	772 8 6	1,073 4 2	300 11 8
..	..	..	222	11·9	..	..	188	10·06			
..	..	1	297	27·3	..	..	72	6·6			
..	..	6	188	14·7	..	..	71	5·4	1,014 12 0	1,732 7 2	717 11 2
..	..	6	345	29·3	..	..	104	8·7			
..	..	6	630	48·2	..	..	162	12·3			
..	..	19	1,682	25·03	..	..	597	8·7	1,014 12 0	1,732 7 2	717 11 2
..	..	3	198	25·08	..	..	68	8·5			
..	..	8	234	37	..	..	36	5·5			
..	..	4	121	24	..	..	69	13·7	1,561 1 0	3,164 11 5	1,603 10 5
8	2	10	820	65	..	..	248	19·2			
8	2	25	1,373	40·2	..	..	421	12·8	1,561 1 0	3,164 11 5	1,603 10 5
..	..	11	114	5·5	..	..	1	·004			
..	..	9	360	23·1	2	1 0 0	..	·12			
..	1	7	296	21·4	..	..	23	1·6	917 3 3	1,813 4 8	896 1 5
50	..	16	200	42·02	..	..	40	6·3			
50	1	43	970	17·9	2	1 0 0	64	1·08	917 3 3	1,813 4 8	896 1 5
10	..	7	541	26·07	..	..	84	3·9			
..	..	12	143	44·4	..	..	38	10·9	475 0 0	1,153 14 8	678 14 8
10	..	19	684	28·6	..	..	122	4·9	475 0 0	1,153 14 8	678 14 8
74	..	22	575	46·4	..	..	8	5·5			
..	1	6	270	32·6	..	..	..	..	1,603 2 0	1,653 0 11	49 14 11
..	..	2	256	38·9	..	..	34	5·1			
74	1	30	1,101	40·7	..	..	42	1·4	1,603 2 0	1,653 0 11	49 14 11
..	..	15	286	21·6	..	..	28	2·01			
..	..	..	65	12·17	..	..	42	7·9	1,209 15 0	1,572 8 5	362 9 5
..	..	15	351	18·9	..	..	70	3·6	1,209 15 0	1,572 8 5	362 9 5
8	..	5	365	34·9	..	..	37	3·4			
..	..	2	279	29·3	..	..	41	4·3	940 2 0	1,197 7 3	257 5 3
8	..	2	408	55·8	..	..	35	4·7			
16	..	9	1,052	38·6	..	..	113	4·05	940 2 0	1,197 7 3	257 5 3

STATEMENT

Showing the strength and cost of the village watch in several districts

Serial No.	Subdivisions.	Number of chaukidars under Act VI (B.C.) of 1870 and Bengal Act V of 1919.	Number of other chaukidars.	Number of dafadars.	Total number of chaukidars and dafadars.	Total cost of chaukidars and dafadars.	Number judicially punished.		Number dismissed including departmental dismissals.	Num fine depa menta
							For neglect of duty.	For substantive offences, such as theft, etc.		
1	2	3	4	5	6	7	8	9	10	11
						Rs. a. p.				
28	Dinajpur	1,374	..	223	1,597	1,20,336 0 0	..	..	16	1
29	Thakurgaon	1,338	..	115	1,453	1,06,140 0 0	..	..	..	
30	Balurghat	817	..	141	958	72,698 0 0	..	..	12	
	Total ..	3,529	..	479	4,008	2,99,174 0 0	..	..	28	2
31	Jalpaiguri	6,026	..	112	1,138	84,369 0 0	..	..	10	
32	Alipur Duars	246	..	31	277	19,765 0 0	..	..	5	
	Total ..	1,272	..	143	1,415	1,04,134 0 0	..	..	15	
33	Rangpur	1,176	..	129	1,300	96,588 0 0	..	..	25	
34	Nilphamari	928	..	100	1,028	76,584 0 0	..	..	8	
35	Kurigram	879	..	92	971	72,256 0 0	..	..	4	
36	Gaibandha	935	..	93	1,028	76,248 0 0	9	..	13	
	Total ..	3,913	..	414	4,327	3,21,676 0 0	9	..	50	1
37	Bogra	1,441	..	187	1,628	1,41,240 0 0	..	..	16	
38	Pabna	860	..	97	957	74,676 2 6	..	..	42	1
39	Serajganj	1,082	..	128	1,210	90,168 0 0	..	..	32	
	Total ..	1,942	..	225	2,167	1,64,844 2 6	..	..	74	1
40	Malda	1,309	..	180	1,489	1,15,881 8 0	..	..	13	
41	Siliguri (Darjeeling)	142	..	24	166	15,054 10 0	..	..	..	
42	Burdwan	1,260	181	94	1,535	1,01,928 0 0	..	..	11	
43	Asansol	678	5	62	745	54,768 0 0	..	..	19	
44	Kalna	368	..	35	403	30,056 0 0	..	..	..	
45	Katwa	437	..	37	474	39,174 0 0	..	..	3	
	Total ..	2,743	186	228	3,157	2,25,926 0 0	..	..	33	1
46	Birbhum	1,457	..	128	1,585	1,19,193 6 0	..	..	4	
47	Rampurhat	793	..	63	856	63,288 0 0	..	..	2	
	Total ..	2,250	..	191	2,441	1,82,481 6 0	..	..	6	
48	Bankura	1,349	..	139	1,488	93,057 0 0	..	..	7	
49	Bishnupur	664	..	74	738	46,974 10 0	..	..	8	
	Total ..	2,013	..	213	2,226	1,40,031 10 0	..	..	15	
50	Midnapore	1,803	..	167	1,970	1,48,054 10 0	..	..	25	1
51	Contai	1,152	..	87	1,239	46,110 0 0	..	..	17	
52	Tamluk	1,185	..	98	1,283	78,360 0 0	..	..	11	
53	Ghatal	575	..	54	629	40,448 0 0	..	..	12	
54	Jhargram	301	433	77	811	19,638 12 0	..	..	..	
	Total ..	5,016	433	483	5,932	3,32,611 6 0	..	..	65	2

STATEMENT H—*continued.*

tch in several districts of the Province with figures of rewards and punishments during the year 1942.

Number judicially punished.		Number dismissed including departmental dismissals.	Number fined departmentally.	Percentage of chaukidars punished (columns 8, 9, 10 and 11 to column 6).	Number rewarded by judicial officers, in Arms Act, Excise, cases, etc.	Total amount distributed in rewards (excluding payments from the Chaukidari Reward Fund).	Number departmentally rewarded.	Percentage of chaukidars rewarded (columns 13 and 15 to column 6).	Total amount distributed in rewards, etc., from the Chaukidari Reward Fund.	Total receipts from all sources, including balance from the previous year.	Balance in hand at the close of the year.
For neglect of duty.	For substantive offences, such as theft, etc.										
8	9	10	11	12	13	14	15	16	17	18	19
						Rs. a. p.			Rs. a. p.	Rs. a. p.	Rs. a. p.
..	..	16	1,513	95·7	..	..	232	14·5			
..	..	..	853	58·7	..	..	82	5·6	1,255 13 6	2,188 13 9	933 0 3
..	..	12	560	59·7	..	..	63	6·6			
..	..	28	2,926	73·7	..	..	377	9·4	1,255 13 6	2,188 13 9	933 0 3
..	..	10	624	55·8	..	..	63	5·5			
..	..	5	151	55·5	..	..	37	13·4	800 4 6	1,021 3 5	220 14 11
..	..	15	775	55·8	..	..	100	7·06	800 4 6	1,021 3 5	220 14 11
..	..	25	479	46·5	..	..	83	6·4			
..	..	8	463	45·9	..	..	..	..			
..	..	4	476	39·4	..	..	..	..	1,765 0 0	2,263 9 10	498 9 10
9	..	13	446	45·5	..	..	90	8·8			
9	..	50	1,964	46·6	..	..	173	3·9	1,765 0 0	2,263 9 10	498 9 10
..	..	16	981	61·2	6	3 0 0	226	14·3	488 5 0	794 15 7	306 10 7
..	..	42	1,272	137·3	..	..	70	7·3			
..	..	32	713	61·3	..	..	48	4·0	1,050 7 6	1,595 2 0	544 10 6
..	..	74	1,985	91·8	..	..	118	5·4	1,050 7 6	1,595 2 0	544 10 6
..	..	13	225	15·9	..	..	330	22·2	811 7 0	1,523 14 0	712 7 0
..	..	..	40	24·09	..	..	2	1·2	75 0 0	571 14 3	496 14 3
..	..	11	503	33·5	..	..	307	20·			
..	..	19	101	16·2	..	..	111	14·9			
..	..	..	165	40·9	..	..	24	5·9	930 1 0	1,775 15 4	845 14 4
..	..	3	438	93·03	..	..	181	38·2			
..	..	33	1,207	39·2	..	..	623	19·7	930 1 0	1,775 15 4	845 14 4
..	..	4	720	45·7	..	55 0 0	45	2·9			
..	..	2	86	10·3	..	..	87	10·2	728 13 0	758 8 6	29 11 6
..	..	6	806	33·2	..	55 0 0	132	5·4	728 13 0	758 8 6	29 11 6
..	..	7	430	29·4	..	..	64	4·3			
..	..	8	135	19·4	..	..	4	·5	242 5 0	1,084 10 10	842 5 10
..	..	15	565	26·05	..	..	68	3·05	242 5 0	1,084 10 10	842 5 10
..	..	25	1,063	55·2	15	17 0 0	447	23·5			
..	..	17	438	36·8	8	7 8 0	190	15·9			
..	..	11	221	18·08	27	23 8 0	26	4·1	1,301 2 6	1,303 6 8	2 4 2
..	..	12	450	73·4	11	9 8 0	44	8·8			
..	..	..	258	31·8	2	2 0 0	..	·24			
..	..	65	2,430	41·9	63	59 8 0	707	12·9	1,301 2 6	1,303 6 8	2 4 2

STATEMENT

Showing the strength and cost of the village watch in several districts

Serial No.	Subdivisions.	Number of chaukidars under Act VI (B.C.) of 1870 and Bengal Act V of 1919.	Number of other chaukidars.	Number of dafadars.	Total number of chaukidars and dafadars.	Total cost of chaukidars and dafadars.	Number judicially punished.		Number dismissed including departmental dismissals.	Num fin dep ment
							For neglect of duty.	For substantive offences, such as theft, etc.		
1	2	3	4	5	6	7	8	9	10	1
						Rs. a. p.				
55	Hooghly	569	..	51	620	45,150 5 3	..	..	..	
56	Serampore	534	..	54	588	43,644 0 0	..	..	..	
57	Arambagh	457	..	45	502	40,464 0 0	..	..	..	
	Total ..	1,560	..	150	1,710	1,29,258 5 3	..	..	..	
58	Howrah	348	..	34	382	32,788 0 0	..	..	5	
59	Uluberia	575	..	50	625	55,227 0 0	..	..	5	
	Total ..	923	..	84	1,007	88,015 0 0	..	..	10	
60	24-Parganas	917	..	88	1,005	63,223 0 0	..	..	65	
61	Barrackpore	65	..	9	74	5,652 0 0	..	..	..	
62	Baraset	347	..	48	395	30,120 0 0	..	..	8	
63	Basirhat	512	..	49	561	41,004 0 0	..	..	16	
64	Diamond Harbour	967	..	96	1,063	81,783 2 0	123	..	5	
	Total ..	2,808	..	290	3,098	2,21,782 2 0	123	..	94	
65	Nadia	448	..	49	497	39,321 3 3	..	..	..	
66	Kushthia	631	..	77	708	57,057 11 0	..	1	5	
67	Chuadanga	449	..	61	510	39,533 6 8	..	2	3	
68	Meherpur	474	..	51	525	41,836 0 0	..	..	10	
69	Ranaghat	411	..	50	461	35,416 5 6	2	..	2	
	Total ..	2,413	..	288	2,701	2,13,164 10 5	2	3	20	
70	Murshidabad	620	..	57	677	43,933 3 6	..	..	8	
71	Lalbag	426	..	42	468	34,503 4 0	..	..	..	
72	Kandi	510	..	46	556	36,395 13 6	38	..	4	
73	Jangipore	387	..	35	422	32,380 8 0	..	..	23	
	Total ..	1,943	..	180	2,123	1,47,212 13 0	38	..	35	
74	Jessore	785	..	70	855	82,190 0 0	..	..	16	
75	Jhenidah	614	..	57	671	58,584 0 0	..	..	8	
76	Narail	452	..	44	496	46,992 0 0	..	..	7	
77	Magura	316	..	41	357	32,620 3 6	..	..	4	
78	Bongaon	522	..	54	576	45,238 0 0	..	1	..	
	Total ..	2,689	..	266	2,955	2,65,624 3 6	..	1	35	
79	Khulna	435	..	62	497	44,400 0 0	..	..	10	
80	Bagerhat	733	..	68	801	58,862 2 0	5	..	6	
81	Satkhira	698	..	74	772	64,269 13 0	..	..	..	
	Total ..	1,866	..	204	2,070	1,67,531 15 0	5	..	16	
	Grand Total ..	66,195	619	7,315	74,129	54,04,339 5 11	335	4	691	2

STATEMENT — *concluded.*

several districts of the Province with figures of rewards and punishments during the year 1942.

mber judicially punished.			Number dismissed including departmental dismissals.	Number fined departmentally.	Percentage of chaukidars punished (columns 8, 9, 10 and 11 to column 6).	Number rewarded by judicial officers, in Arms Act, Excise, cases, etc.	Total amount distributed in rewards (excluding payments from the Chaukidari Reward Fund).	Number departmentally rewarded.	Percentage of chaukidars rewarded (columns 13 and 15 to column 6).	Total amount distributed in rewards, etc., from the Chaukidari Reward Fund.	Total receipts from all sources, including balance from the previous year.	Balance in hand at the close of the year.
or lect uty.	For substantive offences, such as theft, etc.											
	9		10	11	12	13	14	15	16	17	18	19
							Rs. a. p.			Rs. a. p.	Rs. a. p.	Rs. a. p.
			..	62	10	87	61 8 0	58	23·3			
.	..		..	44	7·5	..	..	63	10·7	248 4 0	828 2 10	579 14 10
.	..		..	180	35·6	..	..	56	11·15			
.	..		..	286	17·9	87	61 8 0	177	15·08	248 4 0	828 2 10	579 14 10
			5	148	40·06	2	2 0 0	34	9·4			
.	..		5	83	14·08	21	14 8 0	29	8·0	479 14 0	765 2 9	285 4 9
.	..		10	231	23·9	23	16 8 0	63	8·5	479 14 0	765 2 9	285 4 9
			65	642	70	..	..	6	·5			
.	..		..	1	3	..	..	14	19			
.	..		8	203	53	..	..	36	9	1,464 14 3	1,728 12 4	263 14 1
.	..		16	328	61	..	..	40	7			
.	..		5	412	43·1	..	246 14 0	11	1·03			
123	..		94	1,586	64·2	..	246 14 0	107	3·03	1,464 14 3	1,728 12 4	263 14 1
123	..											
			..	72	14·5	..	..	16	3·2			
.	..		5	200	29·01	..	..	59	8·31			
.	1		3	220	44·1	..	..	37	7·3	764 0 0	1,122 5 11	358 5 11
.	2		10	162	32·8	..	..	65	12·4			
.	..		2	30	7·4	..	..	11	2·4			
2	..		20	684	26·3	..	..	188	6·9	764 0 0	1,122 5 11	358 5 11
2	3											
			8	331	50·07	..	..	48	7·08			
.	..		..	122	26·06	..	..	..	..			
.	..		4	135	33·6	..	..	36	6·5	421 6 0	436 3 9	14 13 9
38	..		23	325	82·5	..	..	41	9·7			
.	..		35	923	46·8	..	..	125	5·9	421 6 0	436 3 9	14 13 9
			16	249	30·9	..	..	186	21·8			
.	..		8	472	71·5	..	..	287	42·8			
.	..		7	156	32·9	..	..	189	38·1	1,987 10 0	5,370 3 4	3,382 9 4
.	..		4	280	79·6	18	138 8 0	145	40·6			
.	..	1	..	475	82·6	..	..	172	29·9			
.	1		35	1,632	56·9	18	138 8 0	979	33·1	1,987 10 0	5,370 3 4	3,382 9 4
			10	182	38·6	..	..	8	1·6			
.	..		6	185	23·9	..	..	16	1·9	550 0 0	590 2 5	40 2 5
5	..		..	75	9·7	..	..	15	1·9			
..	..		16	442	22·3	..	..	39	1·8	550 0 0	590 2 5	40 2 5
5	..		691	27,914	39·05	199	581 14 0	6,201	8·63	39,083 14 2	23,858 7 0	15,225 7 2
335	4											

STATEMENT I.

Quinquennial statement showing true cases of serious crime, 1942.

Years.	Rioting (serial No. 9, Statement A-I).	Murder (serial No. 11).	Culpable homicide (serial No. 13).	Administering stupefying drugs (serial No. 19).	Dacoity (serial No. 25).	Robbery (serial No. 26).	House breaking (serial Nos. 29 and 37).	Theft, ordinary (serial No. 33).	Theft, cattle (serial No. 33).	Receiving stolen property (serial No. 35).
1	2	3	4	5	6	7	8	9	10	11
Quinquennial average of the preceding five years from 1937 to 1941.	1,007·2	523·6	332·4	28·4	675·2	464·4	30,787·4	19,836·6	982·4	2,091·8
1937	1,028	455	329	39	628	449	29,568	19,764	1,193	1,689
1938	989	476	291	24	584	400	32,763	21,446	942	1,741
1939	1,156	515	330	34	725	497	36,827	25,101	1,053	2,309
1940	746	555	349	29	615	469	26.103	15,444	869	2,194
1941	1,117	617	363	16	824	508	28,676	17,428	855	2,526
Total ..	5,036	2,618	1,662	142	3,376	2,323	153,937	99,183	4,912	10,459
1942	939	608	413	34	1,286	622	27,867	16,565	677	2,567

A microfilm project of

STATEMENT J.

Remands, 1942.

Names of districts.	Number of charge sheets sent up.	Number of charge sheets disposed of at first hearing.	Number of charge sheets remanded once.	Number of charge sheets remanded twice.	Number of charge sheets remanded thrice.	Number of charge sheets remanded four times.	Number of charge sheets remanded five times.	Number of charge sheets remanded six times.	Number of charge sheets remanded more than six times.	Percentage of cases decided on first two hearings, 1941.	Percentage of cases decided on first two hearings, 1942.	Cases pending before Magistrate at the close of the year.
1	2	3	4	5	6	7	8	9	10	11	12	13
24-Parganas ..	1,627	283	208	153	97	86	80	65	256	32·7	39·9	399
Nadia	674	158	96	48	58	57	55	36	52	51·7	45·3	114
Murshiabad ..	463	..	56	45	47	35	30	29	79	20·4	17·4	142
Jessore	492	106	80	52	36	35	30	19	34	31·09	47·4	100
Khulna	743	137	56	38	49	61	53	55	126	31·6	33·5	168
Total ..	3,999	684	496	336	287	274	248	204	547	33·6	38·3	923
Burdwan	867	171	105	108	88	55	41	41	57	43·03	41·4	201
Birbhum	202	7	22	25	22	26	23	14	21	34·5	18·1	42
Bankura	277	64	46	27	20	16	15	10	17	45·6	51·1	62
Midnapore	761	185	92	93	80	55	47	37	54	32·6	43·07	118
Hooghly	569	152	40	42	55	28	18	34	51	51·1	45·7	149
Howrah	765	205	109	102	67	52	36	17	46	39·9	49·5	131
Total ..	3,441	784	414	397	332	232	180	153	246	40·8	43·7	703
Rajshahi	526	155	62	44	42	39	42	14	47	36·1	48·7	81
Dinajpore	703	163	76	75	64	35	34	33	73	34·1	43·2	150
Jalpaiguri	457	121	76	43	31	25	15	10	24	44·2	57·1	108
Rangpur	736	140	95	61	61	39	29	30	44	37·5	47·1	237
Bogra	391	50	32	16	28	45	20	22	57	34·1	30·3	121
Pabna	530	92	67	35	59	46	37	25	26	32·1	41·08	138
Malda	339	85	39	38	31	20	17	11	25	45·8	46·6	73
Darjeeling	513	205	96	70	28	23	6	4	13	45·8	67·6	68
Total ..	4,195	1,011	543	382	344	272	200	149	309	43·4	48·2	976
Dacca	1,788	390	162	152	117	106	110	63	187	41·5	42·8	501
Mymensingh ..	1,843	382	190	166	142	112	108	75	162	36·6	42·7	506
Faridpur	864	77	87	87	93	67	70	69	97	26·3	25·3	217
Total ..	4,495	849	439	405	352	285	288	207	446	35·6	39·3	1,224
Bakarganj	1,335	142	93	124	205	114	70	54	97	29·9	26·1	436
Tippera	1,181	..	215	137	107	113	70	61	153	18·5	25·1	325
Noakhali	560	93	46	76	76	51	37	28	30	36·1	31·8	123
Chittagong ..	975	193	112	79	80	57	51	46	82	35·4	43·5	275
Total ..	4,051	428	466	416	468	335	228	189	362	28·4	30·9	1,159
Grand Total	20,181	3,756	2,358	1,936	1,783	1,398	1,144	902	1,910	36·2	40·2	4,985

STATEMENT K.

Showing the number of burglaries and thefts and the percentage of abstention from enquiry to

District.	Number of cases of house-breaking (serial No. 29) reported (column 5 of A-I).		Percentage not enquired into.		Number of cases of thefts ordinary (serial No. 33) reported (column 5 of A-I).		Percentage not enquired into.		Number of proceedings under section 110, Criminal Procedure Code, pending at the beginning of the year.		Number of proceedings under section 110, Criminal Procedure Code, instituted during the year.		Number of proceedings under section 110, Criminal Procedure Code, disposed of during the year.		Number of cases tried locally.	
	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
24-Parganas	1,798	1,412	11·9	12·7	1,700	1,469	8·5	6·8	4	15	23	11	12	19	12	19
Nadia	835	891	7·8	12	569	568	7·9	8·9	11	7	20	10	24	13	23	13
Murshidabad	844	960	15·1	15·6	632	564	8·3	10·08	7	7	31	15	31	13	31	13
Jessore	1,282	1,067	10·7	12·4	556	457	9·8	10·5	4	5	28	24	27	24	24	24
Khulna	1,603	939	17·9	14·05	890	570	21·2	14·02	5	3	40	18	42	16	42	16
Total ..	6,362	5,269	13·1	133	4,347	3,628	11·1	9·4	31	37	142	78	136	85	132	85
Burdwan	937	961	14·3	17·6	1,588	1,504	17·4	18·01	3	2	9	10	10	10	9	10
Birbhum	198	171	2·02	5·2	280	211	6·07	11·8	..	3	12	5	9	6	9	6
Bankura	282	373	5·3	10·7	323	369	10·8	15·9	2	4	5	4	3	8	3	8
Midnapore	1,359	1,222	6·3	13·1	1,344	1,229	17·6	19·7	11	2	8	7	17	8	17	6
Hooghly	673	865	8·3	15·2	823	730	13·3	13·01	2	1	5	6	6	2	6	2
Howrah	428	452	1·4	9·2	1,011	947	5·1	6·0	..	1	5	..	4	1	4	..
Total ..	3,877	4,044	7·7	13·6	5,369	4,990	13·7	15·03	18	13	44	32	49	35	48	32
Rajshahi	1,244	1,163	20·01	18·8	697	616	14·6	16·2	10	5	19	10	24	14	24	14
Dinajpur	798	844	6·1	12·2	705	724	12·4	14·3	2	3	12	11	11	12	11	12
Jalpaiguri	633	606	11·6	5·9	411	427	13·1	8·6	..	1	9	6	8	6	8	7
Rangpur	1,549	1,494	5·8	8·7	567	510	10·2	12·7	10	5	63	46	68	45	68	45
Bogra	336	389	5·9	9·5	236	278	10	9·7	3	8	14	14	9	20	9	20
Pabna	977	1,212	6·9	7·0	419	471	9·3	9·9	4	7	21	18	18	19	18	17
Malda	345	299	9·2	11·3	367	270	12·2	8·1	7	2	22	16	27	14	27	14
Darjeeling	224	184	6·6	3·8	373	435	6·7	4·8	..	..	..	..	..	..	..	..
Total ..	6,106	6,191	9·7	10·5	3,775	3,731	11·5	11·3	36	31	160	121	165	130	165	129
Dacca	3,468	3,973	20·3	21·06	1,489	1,807	19·3	21·2	12	6	32	54	38	40	38	40
Mymensingh	2,661	3,096	10·0	15·3	873	1,017	9·6	15·1	13	3	23	34	33	28	33	28
Faridpur	1,196	1,041	6·1	7·9	461	418	6·2	5·7	11	8	36	16	39	24	39	23
Total ..	7,325	8,110	13·7	17·2	2,823	3,242	14·2	17·3	36	17	91	104	110	92	110	91
Bakarganj	1,820	1,491	15·4	14·6	922	772	10·8	12·04	9	8	40	26	41	23	41	23
Tippera	1,669	1,510	18·2	22·05	734	846	15·1	16·3	1	9	39	7	31	14	31	14
Noakhali	1,409	1,044	30·9	32·1	449	380	25·8	20·5	..	9	29	17	20	23	20	23
Chittagong	929	675	7·1	7·7	792	743	8·0	7·3	1	10	38	17	29	24	28	21
Total ..	5,827	4,720	18·6	19·9	2,897	2,741	13·4	13·2	11	36	146	67	121	84	120	81
Grand Total ..	29,497	28,334	12·98	14·9	19,211	18,332	12·76	13·3	132	134	583	402	581	426	575	418

STATEMENT

tage of abstention

f s n al ode, ring	Number of proceedings under section 110, Criminal Procedure Code, disposed of during the year.	
42.	1941.	1942.
3	14	15
11	12	19
10	24	13
15	31	13
24	27	24
18	42	16
78	136	85
10	10	10
5	9	6
4	3	8
7	17	8
6	6	2
	4	1
32	49	35
10	24	14
11	11	12
6	8	6
46	68	45
14	9	20
18	18	19
16	27	14
	..	..
21	165	130
54	38	40
34	33	28
16	39	24
04	110	92
26	41	23
7	31	14
17	20	23
17	29	24
87	121	84
02	581	426

K.

from enquiry together with the result of bad-livelihood cases for 1942.

Number of cases tried locally.		Number of successful cases.		Number of persons pending trial under section 110, Criminal Procedure Code, at the beginning of the year.		Number of persons prosecuted under section 110, Criminal Procedure Code, during the year.		Number of persons convicted under section 110, Criminal Procedure Code.		Number of persons pending prosecution at the end of the year.		Incidence of burglaries and thefts separately per 100,000 of the population.			
												Theft.		Burglary.	
1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.	1941.	1942.
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
12	19	12	15	6	35	57	16	21	20	35	11	62·2	52	62·5	54·1
23	13	22	9	23	8	32	15	43	10	8	6	36·8	36·6	58·3	57·5
31	13	28	13	9	10	63	18	50	17	10	11	46·1	42·6	62·5	70·0
24	24	27	23	4	10	44	32	38	30	10	6	30·4	24·9	70·1	58·3
42	16	37	14	6	4	75	18	55	14	4	5	54·1	36·4	78·5	57·7
132	85	126	74	48	67	271	99	229	91	67	39	48·7	40·7	71·3	59·1
9	10	10	9	3	7	25	36	17	25	7	16	100	99·6	59·4	60·9
9	6	9	6	..	14	64	6	50	18	14	2	28·4	20·1	20·8	16·3
3	8	2	7	2	7	10	9	3	14	7	..	29·5	29·3	29	29·6
17	6	11	7	51	8	28	30	43	16	8	16	48·02	43·5	48·5	43·6
6	2	6	2	7	11	17	20	12	3	11	28	73·9	65·5	60·4	77·6
4	..	3	1	..	1	10	..	7	1	1	..	92	88·5	38·9	41·1
48	32	41	32	63	48	154	101	132	77	48	62	62·08	57·7	44·8	46·7
24	14	20	13	13	14	40	30	34	37	14	2	48·7	43·1	87·05	81·3
11	12	10	9	9	7	35	20	27	19	7	2	40·1	41·09	45·4	47·9
8	7	6	7	..	1	12	15	7	12	1	4	40·9	43·4	64·5	61·6
68	45	68	44	19	16	123	121	119	106	16	26	22·6	17·9	61·7	51·9
9	20	8	19	9	15	26	24	17	34	15	4	21	24·7	20·9	34·6
18	17	15	13	15	10	29	25	23	21	10	7	24·5	27·6	57·2	71·0
27	14	25	14	14	4	48	25	35	22	4	7	34·3	25·6	32·6	28·3
..	..	..	..	..	..	..	..	..	..	..	..	116·6	136·09	70·07	57·5
165	129	152	119	79	67	313	260	262	251	67	52	35·3	34·9	57·2	58·03
38	40	37	39	16	7	44	109	52	77	7	33	43·7	53·1	99·2	117
33	28	27	26	19	3	58	56	60	43	3	13	17	19	52	60
39	23	37	19	19	10	57	32	60	34	10	..	19·9	18·1	51·1	45·3
110	91	96	84	54	20	159	197	172	154	20	46	25·6	29·5	66·6	73·8
41	23	40	22	25	15	104	55	109	39	15	18	25·9	21·8	51·2	42·0
31	14	30	12	6	24	102	25	79	31	24	12	23·6	27·2	53·6	48·7
20	23	20	21	..	33	83	32	50	56	33	6	26·3	17·5	82·5	47·07
28	21	29	21	1	14	67	20	51	25	14	6	44·0	41·4	51·1	37·5
120	81	119	76	32	86	356	132	289	151	86	42	30·5	28·8	61·3	49·7
575	418	534	385	276	288	1,253	789	1,084	724	288	241	39·4	37·6	60·5	58·1

APPENDIX TO STATEMENT A, PART I.

Return of cases under section 354, I.P.C., for the year 1942.

Districts.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation. (cols. 4+5−6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of year.	True cases.				Total Magistrate's true cases.	Total Magistrate's cases ending in conviction.	Grand total of true cases (cols. 14+15).	Otherwise disposed of.
								Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 6+11+12+13).				
	Col. 4, A-I.	Col. 5, A-I.	Col. 6, A-I.	Col. 7, A-I.	Col. 8, A-I.	Col. 9, A-I.	Col. 10, A-I.	Col. 11, A-I.	Col. 12, A-I.	Col. 13, A-I.	Col. 14, A-I.	Col. 15, A-I.	Col.16, A-I.	Col.17, A-I.	Col.18, A-I.
24-Parganas ..	12	18	..	30	1	5	5	7	4	7	18	5	1	23	1
Nadia	13	20	..	33	2	5	4	9	7	3	19	3	..	22	3
Murshidabad ..	3	21	..	24	..	3	3	8	7	3	18	8	5	26	..
Jessore	2	13	..	15	2	2	..	4	4	2	10	..	..	10	1
Khulna	1	5	..	6	..	..	1	3	1	1	5	..	..	5	..
Total ..	31	77	..	108	5	15	13	31	23	16	70	16	6	86	5
Burdwan	2	21	..	23	..	4	6	6	1	5	12	1	..	13	1
Birbhum	..	4	..	4	..	..	3	..	1	..	1	15	..	16	..
Bankura	1	4	..	5	1	..	..	2	..	2	4	..	..	4	..
Midnapore ..	..	14	..	14	..	4	2	..	..	8	8	17	3	25	..
Hooghly	1	13	..	14	..	4	..	6	2	2	10	..	..	10	..
Howrah	2	4	..	6	..	2	..	1	1	2	4	13	2	17	..
Total ..	6	60	..	66	1	14	11	15	5	19	39	46	5	85	1
Rajshahi	4	9	..	13	..	2	..	3	5	3	11	14	..	25	..
Dinajpur	3	10	..	13	1	1	2	5	1	2	8	..	..	8	1
Jalpaiguri ..	..	2	..	2	..	..	..	1	..	..	1	..	..	1	1
Rangpur	5	13	..	18	..	4	3	3	4	4	11	..	..	11	..
Bogra	..	2	..	2	..	..	1	..	..	1	1	7	..	8	..
Pabna	2	13	..	15	1	3	1	2	4	4	10	15	2	25	..
Malda	1	11	..	12	2	..	1	5	3	1	9	15	2	24	..
Darjeeling ..	..	2	..	2	..	..	..	..	..	2	2	..	..	2	..
Total ..	15	62	..	77	4	10	8	19	17	17	53	51	4	104	2
Dacca	4	13	..	17	1	..	4	2	3	4	9	..	..	9	3
Mymensingh ..	5	34	..	39	2	5	5	7	5	13	25	..	..	25	2
Faridpur	1	1	..	2	..	..	1	1	1	..	2	..	..	2	..
Total ..	10	48	..	58	3	5	9	10	9	17	36	..	..	36	5
Bakarganj ..	4	18	..	22	..	4	5	3	2	8	13	..	..	13	..
Tippera	5	8	..	13	..	3	2	5	..	3	8	15	4	23	..
Noakhali	5	3	..	8	..	1	3	2	1	1	4	..	..	4	..
Chittagong ..	3	16	..	19	2	6	3	3	1	4	8	..	..	8	..
Total ..	17	45	..	62	2	14	13	13	4	16	33	15	4	48	..
Grand Total ..	79	292	..	371	15	58	54	88	58	85	231	128	19	359	13

Districts.
24-Parganas ..
Nadia ..
Murshidabad ..
Jessore ..
Khulna ..
Total
Burdwan ..
Birbhum ..
Bankura ..
Midnapore ..
Hooghly ..
Howrah ..
Tota
Rajshahi ..
Dinajpur ..
Jalpaiguri ..
Rangpur ..
Bogra ..
Pabna ..
Malda ..
Darjeeling ..
Total
Dacca ..
Mymensingh ..
Faridpur ..
Total
Bakarganj ..
Tippera ..
Noakhali ..
Chittagong ..
Total
Grand Total

APPENDIX TO STATEMENT A, PART II.

Return of persons concerned in cases under section 354, I.P.C., for the year 1942.

Districts.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrates' order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at end of year.	Persons concerned in Magistrates' cases.			Remarks.	
										Number arrested.	Number convicted.	Number acquitted or discharged.	Otherwise disposed of.	Surrendered or appeared under order of Magistrates.
	Col. 4, A-II.	Col. 5, A-II.	Col. 6, A-II.	Col. 7, A-II.	Col. 8, A-II.	Col. 9, A-II.	Col. 10, A-II.	Col. 11, A-II.	Col. 12, A-II.	Col. 13, A-II.	Col. 14, A-II.	Col. 15, A-II.	Col. 16, A-II.	Col. 17, A-II.
24-Parganas	16	25	9	5	14	7	7	..	8	8	1	7	6	1
Nadia	13	16	3	4	20	9	11	..	5	2	..	2	3	6
Murshidabad	..	21	..	..	18	8	10	..	2	32	6	26	1	..
Jessore	2	12	2	2	8	4	4	..	..	..	..	..	2	..
Khulna	1	4	..	..	5	3	2	..	4	..	..	..	..	4
Total ..	32	78	14	11	65	31	34	..	19	42	7	35	12	11
Burdwan	2	23	2	2	12	9	3	1	8	..	..	..	1	..
Birbhum	..	3	..	..	1	..	1	..	3	..	..	..	..	1
Bankura	2	2	..	1	3	3	..	..	..	..	..	..	..	..
Midnapore	..	6	2	4	..	..	..	2	..	29	4	23	..	..
Hooghly	1	19	10	..	10	7	3	..	..	..	..	..	..	..
Howrah	4	3	3	..	4	1	3	..	..	21	2	19	..	..
Tota ..	9	56	17	7	30	20	10	3	11	50	6	42	1	1
Rajshahi	3	8	1	..	9	3	6	..	..	18	..	18	1	..
Dinajpur	3	8	..	..	7	5	2	1	1	..	..	..	3	..
Jalpaiguri	..	4	..	..	2	2	..	..	..	..	..	..	2	..
Rangpur	4	11	4	..	9	3	6	..	3	..	..	..	..	1
Bogra	..	2	1	..	..	..	..	..	1	6	..	3	..	..
Pabna	3	6	2	1	7	2	5	..	1	19	3	16	..	2
Malda	1	12	..	2	10	5	5	..	1	16	2	14	..	..
Darjeeling	..	1	1	..	..	..	..	..	..	..	..	..	..	..
Total ..	14	52	9	3	44	20	24	1	7	59	5	51	6	3
Dacca	2	28	6	3	17	3	14	..	1	..	..	..	3	..
Mymensingh	5	20	4	1	17	8	9	6	4	..	..	..	1	2
Faridpur	3	1	..	..	2	1	1	..	..	..	..	..	2	..
Total ..	10	49	10	4	36	12	24	6	5	..	..	..	6	2
Bakarganj	..	10	..	1	8	3	5	1	3	..	..	..	..	2
Tippera	3	9	..	3	7	7	..	..	..	27	9	14	2	..
Noakhali	2	3	..	..	5	3	2	3	..	..	..	..	..	..
Chittagong	2	16	..	8	7	3	4	3	..	..	..	..	4	1
Total ..	7	38	..	12	27	16	11	7	3	27	9	14	6	3
Grand Total ..	72	273	50	37	202	99	103	17	45	178	27	142	31	20

APPENDIX TO STATEMENT A, PART I.

Return of cases under section 366, I.P.C. (including 366A, I.P.C.), for the year 1942.

Districts.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation (cols. 4+5−6).	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at end of the year.	True cases.				Total Magistrates' true cases.	Total Magistrates' cases ending in conviction.	Grand total of true cases (cols. 14+15).	Otherwise disposed of.
								Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (cols. 6+11+12+13).				
	Col. 4, A-I.	Col. 5, A-I.	Col. 6, A-I.	Col. 7, A-I.	Col. 8, A-I.	Col. 9, A-I.	Col. 10, A-I.	Col. 11, A-I.	Col. 12, A-I.	Col. 13, A-I.	Col. 14, A-I.	Col. 15, A-I.	Col.16, A.-I.	Col.17, A-I.	Col.18, A-I.
24-Parganas ..	3	8	..	11	1	2	4	..	4	..	4	..	..	4	..
Nadia	3	3	..	6	..	2	..	2	1	1	4	4	..	8	..
Murshidabad ..	1	11	..	12	..	6	3	2	..	1	3	1	1	4	..
Jessore	1	10	..	11	..	6	1	1	..	3	4	..	..	4	..
Khulna	1	10	..	11	2	2	2	3	2	..	5	..	..	5	..
Total ..	9	42	..	51	3	18	10	8	7	5	20	5	1	25	..
Burdwan ..	1	4	..	5	..	1	1	..	3	..	3	..	..	3	..
Birbhum ..	1	..	..	1	..	..	..	..	1	..	1	1	..	2	..
Bankura ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Midnapore ..	2	1	..	3	1	..	1	1	..	..	1	2	..	3	..
Hooghly ..	..	3	..	3	..	..	1	..	1	1	2	..	..	2	..
Howrah	1	2	..	3	..	2	1	..	..	..	..	1	..	1	..
Total ..	5	10	..	15	1	3	4	1	5	1	7	4	..	11	..
Rajshahi ..	2	11	..	13	..	5	2	..	3	3	6	12	..	18	..
Dinajpur ..	1	1	..	2	..	1	..	..	1	..	1	..	..	1	..
Jalpaiguri ..	4	9	..	13	1	5	3	3	1	..	4	..	..	4	..
Rangpur	6	9	..	15	..	2	3	1	6	2	9	..	..	9	1
Bogra	3	1	..	4	..	..	1	2	1	..	3	4	..	7	..
Pabna	1	5	..	6	..	3	1	..	..	1	1	6	..	7	1
Malda	..	2	..	2	..	1	..	..	..	1	1	2	..	3	..
Darjeeling ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	17	38	..	55	1	17	10	6	12	7	25	24	..	49	2
Dacca	6	18	..	24	1	3	7	4	4	4	12	..	..	12	1
Mymensingh ..	11	54	..	65	1	27	4	4	18	10	32	..	..	32	1
Faridpur ..	4	21	..	25	7	13	1	2	1	1	4	..	..	4	..
Total ..	21	93	..	114	9	43	12	10	23	15	48	..	..	48	2
Bakarganj ..	15	58	..	73	8	26	17	4	11	7	22	..	..	22	..
Tippera	1	4	..	5	..	3	2	..	..	..	..	11	1	11	..
Noakhali	1	2	..	3	..	..	1	2	..	..	2	..	..	2	..
Chittagong ..	3	4	..	7	1	2	1	..	1	2	3	..	..	3	..
Total ..	20	68	..	88	9	31	21	6	12	9	27	11	1	38	..
Grand Total ..	72	251	..	323	23	112	57	31	59	37	127	44	2	171	4

Return of p

Districts.	Persons in custody pending trial or investiga-
24-Parganas ..	
Nadia	
Murshidabad ..	
Jessore	
Khulna	
Total ..	
Burdwan ..	
Birbhum ..	
Bankura ..	
Midnapore ..	
Hooghly ..	
Howrah	
Total ..	
Rajshahi ..	
Dinajpur ..	
Jalpaiguri ..	
Rangpur ..	
Bogra	
Pabna	
Malda	
Darjeeling ..	
Total ..	
Dacca	
Mymensingh ..	
Faridpur ..	
Total ..	
Bakarganj ..	
Tippera	
Noakhali ..	
Chittagong ..	
Total ..	
Grand Total ..	

BGP-45/6-447A-150

APPENDIX TO STATEMENT A, PART II.

Return of persons concerned in cases under section 366, I.P.C. (including 366A, I.P.C.), for the year 1942.

Districts.	Persons in custody pending trial or investigation or on bail under section 170, Criminal Procedure Code, at beginning of year as concerned in cases reported to, or in cases taken up by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrates' order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number in custody pending trial or investigation or on bail at the end of the year.	Persons concerned in Magistrates' cases.			Remarks.	
										Number arrested.	Number convicted.	Number acquitted or discharged.	Otherwise disposed of.	Surrendered or appeared under order of Magistrates.
	Col. 4, A-II.	Col. 5, A-II.	Col. 6, A-II.	Col. 7. A-II.	Col. 8, A-II.	Col. 9, A-II.	Col. 10, A-II.	Col. 11, A-II.	Col. 12, A-II.	Col. 13, A-II.	Col. 14, A-II.	Col. 15, A-II.	Col. 16, A-II.	Col. 17, A-II.
24-Parganas ..	6	21	7	9	9	..	9	..	2	..	..	..	1	1
Nadia	7	4	2	1	8	1	7	..	..	4	..	4	..	..
Murshidabad ..	1	19	..	14	3	2	1	..	4	10	6	4	..	1
Jessore	..	33	13	10	8	1	7	..	2	..	..	..	..	..
Khulna	4	37	..	5	25	13	12	..	19	..	..	..	1	9
Total ..	18	114	22	39	53	17	36	..	27	14	6	8	2	11
Burdwan ..	1	1	..	..	2	..	2	..	..	..	..	..	..	..
Birbhum ..	4	..	..	..	4	..	4	..	..	4	..	4	..	..
Bankura ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Midnapore ..	1	4	..	..	1	1	..	..	7	3	..	3	..	3
Hooghly ..	..	14	..	5	6		6	..	3	..	..	..	..	..
Howrah	1	10	..	2	..	..	..	..	9	4	..	4	..	..
Total ..	7	29	..	7	13	1	12	..	19	11	..	11	..	3
Rajshahi ..	8	37	25	..	13	..	13	..	4	46	2	44	3	..
Dinajpur ..	5	..	..	..	5	..	5	..	..	..	..	..	..	..
Jalpaiguri ..	11	22	3	16	10	6	4	..	6	..	..	..	1	3
Rangpur ..	17	26	7	3	31	4	27	..	2	..	..	..	1	1
Bogra	3	16	1	2	10	3	6	..	6	12	..	7	..	..
Pabna	9	6	..	13	..	..	..	..	..	7	..	3	2	..
Malda	..	1	..	2	..	..	..	..	..	3	..	..	..	1
Darjeeling ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	53	108	36	36	69	13	56	..	18	68	2	54	7	5
Dacca	3	71	5	34	16	7	9	..	23	..	..	..	..	4
Mymensingh ..	51	34	42	10	65	20	45	2	14	..	..	..	14	60
Faridpur ..	9	7	1	5	14	4	10	..	..	..	..	..	..	4
Total ..	63	112	48	49	95	31	64	2	87	..	..	..	14	68
Bakarganj ..	41	74	23	2	85	19	66	2	41	..	..	..	5	41
Tippera	8	5	..	1	..	..	..	1	4	25	3	13	8	..
Noakhali ..	1	15	..	..	16	3	13	..	..	..	..	..	..	..
Chittagong ..	10	6	..	7	11	..	11	..	..	..	..	..	..	2
Total ..	60	100	23	10	112	22	90	3	45	25	3	13	13	43
Grand Total ..	201	463	129	141	342	84	258	5	146	118	11	86	36	130

BGP-45/6-447A-150

INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

OFFICE OF EUROPEAN AFFAIRS
DISTRIBUTION OFFICE
MAY 7 1947
DEPARTMENT OF STATE

FROM: 1060

LONDON

DATED: May 1, 1947

REC'D: May 7, 1947
9:18 a.m.

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UNRESTRICTED

Secretary of State

Washington

A-1022 May 1, 1947

Subject: British Police Officers in India (Question and Answer, House of Commons, March 24, 1947)

The following written question and answer on the number of Europeans serving in the police forces in British India and arrangements made for the termination of their appointments owing to the transfer of power to Indian hands, were exchanged in House of Commons, March 24:

"Sir G. Jeffreys (Unionist U.P.) asked the Under-Secretary of State for India what is the number of British officers of police in the service of Indian local governments; and whether he will ensure that when the Government of India is handed over these officers are given the opportunity to retire on full pension and with compensation for the termination of their engagements before the due date.

"Mr. A. Henderson (Under-Secretary of State for India.) The total number of Europeans serving in the police forces in British India is approximately 750, of whom about 300 are officers of the Indian Police. Members of the Indian Police, as members of the Secretary of State's Services, when their appointments under the Secretary of State are terminated owing to the transfer of power will be eligible to retire on the pensions admissable under the rules applicable to them. As regards

compensation/

PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

845.105/5-147
LRC

RESTRICTED

-1022 - 2 - May 1, 1947

co nsation, I ust ask t.e hon. and .alent
e ber to await the stater ent on the subject
which it is hoped to issue very shortly. As
regards those police personnel who are appointed
by and under the control of Provincial Governments,
in the event of their appointments being terminated
it will be for the Provincial Governments to decide
the ter s of retirement to be granted to them."

DOUGLAS

GLJones/sah

cc to American Embassy, New Delhi

NO. 441

RECEIVED

AMERICAN CONSULATE GENERAL

Bombay, India, August 25, 1947

DIVISION OF MIDDLE EASTERN AND INDIAN AFFAIRS
SEP 16 1947
DEPARTMENT OF STATE

UNCLASSIFIED

SUBJECT: The Home Guards: An Auxiliary Police and Official Guards Organization of the Bombay Province.

1—1055

1947 SEP 11 PM 12 30 DC/L LIAISON
RECEIVED DEPARTMENT OF STATE

845.105/8-2547

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report the establishment and the modest growth in the cities of Bombay and Ahmedabad of a type of auxiliary police employed considerably on public occasions by Provincial Government officials and called the Home Guards. Copies of the Act authorizing the establishment of the Home Guards are enclosed.

The Home Guards appeared in 1946. During the serious rioting beginning in September 1946 the need for an additional police force that could be called upon in emergencies became apparent. On November 12, 1946, the Home Department of the Government of Bombay, pursuant to the Bombay Home Guard Ordinance 1946 (Bombay Ordinance No.1 of 1946) established the Bombay Home Guards Rules 1946, which determined the recruiting procedure, organization, the functions and the pay of the Home Guards in Ahmedabad and Bombay. On December 6, 1946, Mr. N.M. Kamte, Deputy Commissioner of Police, as the first Commandant of the Home Guards, by order of Morarjee Desai, Home Minister of the Government of Bombay, established the Home Guards of Greater Bombay enrolling 200 citizens in the organization. Shortly afterwards Mr. U.H. Rana, Deputy Commissioner of Police, became the Commandant and later in May 1947, he was succeeded by the present Commandant, Lieut. Colonel Principal A.B. Gajendragadkar. Upon finishing their initial training the Home Guards were called upon for the first time to perform emergency duty during the riots in April 1947. At present (August 1947), the strength of the Home Guards in Greater Bombay is nearly 1500, and the goal is 5000.

At an impressive ceremony on Independence Day, August 15, 1947, the Prime Minister of Bombay, Mr. B.G. Kher, presented the Union Colors to the Home Guards of Greater Bombay.

On March 22, 1947, the Government of Bombay replaced the initial

Bombay Home

AM

Bombay Home Guards Ordinance of 1946 with a New Act, Bombay Act No.III of 1947, to provide for the constitution of Home Guards. Under this Act the establishment of Home Guards is authorized under certain circumstances through the entire province but it is authorized immediately in Ahmedabad and Greater Bombay. Although the initial ordinance is repealed the rules passed under that ordinance remain in force. The Act provides that the Home Guards shall be utilized in the protection of persons, the security of property and the public safety, under the Commandant appointed by the Provincial Government. The rules describe the ordinary functions as consisting of:

(a) Guarding public buildings;
(b) Patrolling for the prevention of crime, and the enforcement of such regulations and orders made under the City of Bombay Police Act, 1902, in Greater Bombay, or the Bombay District Police Act, 1890, in the Ahmedabad area, or any other law for the time being in force as it would be the duty of a Police Officer to enforce under the said Acts or law; and
(c) Assisting the ordinary police force in its other duties.

Although it is not specifically provided for in the Act or the rules, the Home Guards have been used a great deal by the members of the Provincial Government especially the Home Minister and the Prime Minister as guards at public functions and on tours. There has been some criticism of the personal use of the Home Guards by the Home Minister.

The ranks of the Home Guards are filled by volunteers between the ages of 20 and 50, the minimum term of appointment being five years. Contingents of the Home Guards act under immediate orders of their own officials but when they are working in conjunction with the ordinary police, a senior police officer not below the rank of Inspector may have charge through the senior officer of the Home Guards.

A further function of the Home Guards is the direction of traffic for which purpose they are being trained by the police force. Up to the present the trainees have not attained to the competence of the regular traffic policemen who themselves are rather handicapped by the absence of adequate traffic regulations.

An allowance of not less than Rs.2/- and not more than Rs.3/- a day is paid to the Home Guards when they are on duty. Except in times of emergency, no Home Guard can be required to serve more than four times a week or in aggregate more than eight hours a week. In view of

the limited number of Home Guards and in view of their infrequent duty, the organization is not at present of great importance.

Respectfully yours,

John J. Macdonald

John J. Macdonald
American Consul General

Enclosure:

Copy of Bombay Act No. III of 1947, in quintuplicate

840.8
J.V.MARTIN/mc

Original and hectograph to the Department

Copies to:

American Embassy, New Delhi
American Embassy, London

UNCLASSIFIED

Enclosure to despatch no. 441 dated August 25, 1947, from John J. Macdonald, American Consul General, Bombay, India, entitled "The Home Guards: An Auxiliary Police and Official Guards Organization of the Bombay Province.

BOMBAY ACT No. III OF 1947.

(*First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 22nd March 1947.*)

An act to provide for the constitution of Home Guards.

WHEREAS it is expedient to provide a volunteer organisation for use in emergencies and for other purposes in the Province of Bombay; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Home Guards Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall come into force at once in the area of Greater Bombay and the area comprising limits of the municipal borough and the cantonment of Ahmedabad. The Provincial Government may by notification in the *Official Gazette* direct that it shall come into force in any other area on such date as may be specified in such notification.

Constitution of Home Guards and appointment of Commandant.

2. (*1*) The Provincial Government shall constitute for each of the areas specified in sub-section (*3*) of section 1 and for each of the areas notified under the said sub-section (*3*) a volunteer body called the Home Guards, the members of which shall discharge such functions in relation to the protection of persons, the security of property and the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

(*2*) The Provincial Government shall appoint a Commandant of each of the Home Guards constituted under sub-section (*1*).

Appointment of members.

3. The Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Provincial Government, and may appoint any such member to any office of command in the Home Guards.

Functions of members.

4. In Greater Bombay, the Commissioner of Police, Bombay, and elsewhere, the District Superintendent of Police concerned, may at any time call out through the Commandant a member of the Home Guards for training or to discharge any of the functions assigned to the Home Guards in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (*1*) A member of the Home Guards when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

[*Price*—Pies 6 *or* 1*d*.]

MO:I Bk H 229

(*2*) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the Commissioner of Police, Bombay, in Greater Bombay, and of the District Magistrate, elsewhere.

Control by officers of police force.

6. The members of the Home Guards when called out under section 4 in aid of the police force shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed by rules made under section 8.

Penalty.

7. (*1*) If any member of the Home Guards, on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Home Guards, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(*2*) No proceedings shall be instituted under sub-section (*1*) without the previous sanction of the Commandant.

(*3*) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (*1*).

Rules.

8. The Provincial Government may make rules consistent with this Act,—

(*a*) providing for the exercise by any police officer or the Commandant or other officer of the Home Guards of the powers conferred by section 4 on the Commissioner of Police, Bombay, or the District Superintendent of Police ;

(*b*) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force ;

(*c*) regulating the organisation, appointment, conditions of service, functions, discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service ;

(*d*) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act ;

(*e*) generally for giving effect to the provisions of this Act.

XLV of 1860.

9. Members of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members of Home Guards to be public servants.

Bom. Ordinance No. 1 of 1946.

10. The Bombay Home Guards Ordinance, 1946, is hereby repealed :

Repeal and saving.

Provided that the Home Guards constituted under the said Ordinance shall be deemed to be constituted under this Act ; and all appointments and rules made under the said Ordinance and in force immediately before the coming into operation of this Act shall continue in force and be deemed to be made in pursuance of this Act.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

NO. 601

AMERICAN CONSULATE GENERAL

Bombay, India, November 17, 1947.

DIVISION OF SOUTH ASIAN AFFAIRS
DEC 1 1947
Department of State

UNCLASSIFIED

SUBJECT: Death of Commandant of Bombay Home Guards

1—1055

RECEIVED DEPARTMENT OF STATE
1947 NOV 26 AM 10 45
FAR EASTERN BRANCH

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

845.105/11-2547
DC/L

SIR:

I have the honor to refer to my despatch no. 441 of August 25, 1947, on the subject of "The Home Guards: An Auxiliary Police and Official Guards Organization of the Bombay Province", and to report that the Commandant, Lieutenant Colonel Gajendragadkar, died of a heart attack on November 8.

A new Commandant has not been appointed as yet.

Respectfully yours,

John J. Macdonald
John J. Macdonald
American Consul General

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JAMES V. MARTIN, JR:mc:db

Original and hectograph to the Department

Copies to:

American Embassy, New Delhi
American Embassy, London

UNCLASSIFIED

RECEIVED DEPARTMENT OF STATE
1947 NOV 28 PM 2 31
845.105/11-1747
CS/A

NO. 1904

UNCLASSIFIED

AMERICAN CONSULATE GENERAL

Calcutta, India, December 9, 1947.

SUBJECT: Transmitting Report on Police Administration in Bengal for the year 1944.

1—1403

DIVISION OF SOUTH ASIAN AFFAIRS
JAN 14 1948
Department of State

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to Calcutta's despatch no. 1552 dated April 29, 1947 transmitting single copies of the 1942 and 1943 issues of a "REPORT ON THE POLICE ADMINISTRATION IN THE PROVINCE OF BENGAL EXCLUDING CALCUTTA AND ITS SUBURBS" by G. H. Mannooch, Inspector-General of Police, Bengal, and to forward herewith a copy of the 1944 issue of this report.

Respectfully yours,

Charles O. Thompson
American Consul

Enclosure:
1/ Copy of "Report on the Police Administration in the Province of Bengal Excluding Calcutta and its Suburbs" for the Year 1944.

810.5
Charles O. Thompson/dmt

Original and carbon-back copy to Department.

845.105/12-947

CS/A

UNCLASSIFIED
DEPARTMENT OF STATE
RECEIVED
JAN 5 1948
OFFICE OF INTELLIGENCE COLLECTION AND DISSEMINATION

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DEPARTMENT OF STATE

INCOMING AIRGRAM

DC/R

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

DIVISION OF SOUTH ASIAN AFFAIRS
MAR 28 1949
Department of State

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HH MAR 21 1949

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cooperation from the villagers in the Communist infested areas of Hyderabad. This has been due to the fact that after the police have taken action, and moved on, villagers have not given them information or advised the police as they usually did their part. Anti-Communist activity will have to be result, mostly by the Hyderabad police if it is to be effective, especially with respect to obtaining cooperation from non-Communist elements in the Communist areas of Hyderabad.

Major General Chaudhuri's remarks quoted above indicate that the Hyderabad police will have to be reorganized and a number of Hindus inducted into the police service.

[illegible] DEL.

[illegible]Donovan:sm

Copy to: Embassy, London; Consulates Generals; Bombay
Calcutta, Madras;

[illegible]

ACTION is assigned to

No. 131

AMERICAN CONSULATE GENERAL

Bombay, India, March 17, 1949

UNCLASSIFIED

Return when ACTION is completed.

SUBJECT: Proposed Unification of Police Units in Bombay Province.

DIVISION OF SOUTH ASIAN AFFAIRS
MAR 24 1949
Department of State

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON.

SIR:

I have the honor to report that, according to an announcement in the Bombay Legislative Assembly on March 11, 1949 by Mr. Morarji Desai, the Home Minister, the Government of Bombay has under consideration legislation to effect the unification of the Bombay City Police with the Bombay District Police. The latter group has responsibilities throughout the Province but not within the City of Bombay. A first step in this direction has already been made by extending the powers of the Inspector General of Police to the whole of the Province including Bombay City.

While superficially this would seem to be a sound administrative measure, it has been criticized on the grounds that the District Police have been trained and gained experience in the rural areas, while the Bombay City Police, by definition, are concerned with urban problems; and that therefore transfers from one type of assignment to another would reduce the efficiency of the overall force. Regardless of this, since both police organizations are ultimately under the firm hand of the Home Minister, unified action in emergencies can be taken under the existing system.

Respectfully yours,

Clare H. Timberlake
American Consul General

350
WCIsenberg:ad

Original and hectograph to the Department
Copies to: American Embassy, New Delhi
American Consulates General, Calcutta and Madras

UNCLASSIFIED.

845.105/3-1749

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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UNCLASSIFIED

The Secretary of State,
Washington, D.C.

A-218, March 29, 1949.

Bombay government had prepared bill to facilitate amalgamation of Bombay District police and Greater Bombay Police. Inspector General to be head of both forces. Officers may be transferred from one force to the other. Bill to be enacted for purpose of discipline, administration and closer coordination.

File no. 370.1
HHumbrey:mf

Rectograph to the Department

Copies to: American Embassy, New Delhi
American Consulates General, Calcutta and Madras

UNCLASSIFIED

DIVISION OF SOUTH ASIAN AFFAIRS
APR 4 1949
Department of State

845.05/3-2949

HH

APR 6 1949

PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

ACTION
is assigned to

NO. 176

AMERICAN CONSULATE GENERAL

Bombay, India, April 7, 1949

UNCLASSIFIED

SUBJECT: Responsibilities of the Home Guards of Bombay Province

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

DIVISION OF SOUTH ASIAN AFFAIRS
APR 15 1949
Department of State

SIR:

I have the honor to report that on March 27, Mr. B. G. Kher, Premier of Bombay, presented the Colors to the Poona Home Guards on the occasion of their anniversary parade and made an address in which he outlined the duties and responsibilities of the Home Guards Organization of Bombay Province. He mentioned that "the disturbed conditions toward the latter half of the year 1946 pointed to the urgent need of securing fuller assistance from members of the public in the maintenance of law and order and supplementing the ordinary Police."

Mr. Kher further stated that the provincial organization now numbers approximately 16,000 public spirited men who have volunteered regardless of caste, creed, or station. Some of the men are presently on duty guarding public property. Military training makes it possible for the Home Guards to assist the police in creating confidence in the minds of local citizens during times of emergency in the prevention of panic or tension; it also makes it possible for them to perform allotted assignments.

Mr. Kher commented briefly on the necessity of perfect discipline and regularity in attending drills and carrying out assigned duties. He also mentioned that in the near future a women's section would be formed as a part of the organization.

Respectfully yours,

William Witman II
American Consul

File no.

845.105/4-749

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MAY 24 1949
DMR

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DEPARTMENT OF STATE
1949 APR 14 PM 2 08
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RECORDS BRANCH

Despatch no. 176,
Bombay, India,
April 7, 1949.

File no. 370.1
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Original and hectograph to the Department

Copies to: American Embassy, New Delhi
American Consulates General, Calcutta and Madras

UNCLASSIFIED

NO. 1004

AIR MAIL

CONFIDENTIAL

AMERICAN CONSULATE GENERAL

Calcutta, India, August 6, 1946.

SUBJECT: Increase in Crime in Calcutta.

1—1403

DIVISION OF MIDDLE EASTERN AFFAIRS
SEP 3 - 1946
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that according to confidential information given to an officer of the Consulate General by Mr. James Jameson, Deputy Commissioner of Police, Security Control Office, Calcutta, there has been an increase within the last two to three months in pick-pocketing, murder, robbery and day burglary.

There are no figures available as to the percentage of increase, but Mr. Jameson states that it is no higher than 25 per centum. This he considers a small addition due to the fact that dacoity increased during the war years at least a thousand per centum.

Respectfully yours,

S. J. Fletcher

Samuel J. Fletcher
American Consul General

DEPARTMENT OF STATE
FOREIGN SERVICES

845.108/9-646
CS/A FILED
OCT 18 1946

810.8
H.G.B. Westheimer/rg

Original and carbon-back copy to Department.

DEPARTMENT OF STATE
RECEIVED
SEP 11 1946
OFFICE OF INTELLIGENCE
COLLECTION AND DISSEMINATION

CONFIDENTIAL

NO. 1460
AIR MAIL

UNCLASSIFIED

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

American Consulate General,
Calcutta, India.
March 10, 1947.

DIVISION OF MIDDLE
EASTERN AND INDIAN AFFAIRS
APR 2 1947
DEPARTMENT OF STATE

Subject: Crime in Calcutta, India.

The Consul General has the honor to refer to his despatch No. 1004 of August 6, 1946, regarding the reported increase of crime in Calcutta, and to quote herewith an item which appeared in The Statesman of March 8, 1947, concerning the crime record of Calcutta for the calendar year 1946 as compared with the calendar year 1945:

"CALCUTTA CRIME
By a Staff Reporter

"The number of reported crimes in Calcutta in 1946 was 12,330 against 12,845 the year before.

"There were 199 cases of robbery and dacoity in 1946 against 149 in the previous year. Some 3,516 cases of house-breaking were reported during the year against 3,134 the year before. Cycle thefts increased to 909 from 428 and pickpocketing to 864 from 775. Cases of theft by servants, however, decreased to 1,227 from 1,408 and other thefts to 5,463 from 6,657.

"In January and February this year there were 65 cases of robbery and dacoity, 988 cases of house-breaking by day and night, 206 of pickpocketing and 176 of cycle stealing. Nine murders were reported to the police during the same period."

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Original and carbon-back copy to Department.

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APR - 8 1947

845.108/3-1047
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845.111/1-2945

CROSS-REFERENCE FILE

NOTE

SUBJECT Government of Bihar issues orders restricting travel of certain persons.

845.111/1-2945

1f

For the original paper from which reference is taken

See Des.#983
(Despatch, telegram, instruction, letter, etc.)

Dated Jan.29,1945 From / To ~~xxx~~ India

File No. 854.00/1-2945

1—1540

ESTABLISHED 1806

CABLE ADDRESS, PALMOLIVE

Colgate-Palmolive-Peet Company

Executive Offices
105 Hudson Street
Jersey City, New Jersey

telephone call to Mr. Atwood at suggestion Army General Letter sent 10-8-45

DIVISION OF MIDDLE EASTERN AFFAIRS
OCT 2 - 1945
DEPARTMENT OF STATE

October 1, 1945

Department of State
Division of Far Eastern Affairs
Washington, D. C.

Dear Sirs:

We would greatly appreciate your interceding with the India Government through official channels and ascertaining the reason for them refusing to grant a visa to our employee, Johan Henry L. Schroeder, and his wife, Johanna.

Mr. Schroeder is a Hollander and has always been in possession of a Dutch passport. Mrs. Schroeder, Johanna, his wife, is Austrian by birth. Mr. and Mrs. Schroeder resided in India from November 1939 to August 1942. While there he was Office and Sales Manager of our Indian subsidiary - Colgate-Palmolive (India) Ltd., Bombay. At present Mr. and Mrs. Schroeder are domiciled in Sydney, Australia. He has been occupied with special work for us with our Australian subsidiary - Colgate-Palmolive Pty. Ltd., Sydney, from 1942 to date.

845.111

Several months ago we definitely decided to reopen our business in India, at which time we cabled Mr. Schroeder to make preparations to return to India as early as possible. On August 9 we received word from him that he had been unable to obtain an Indian visa in Sydney. We then cabled our attorneys, Messrs. Crawford, Bayley & Company, Ewart House, Tamarind Lane, Bombay, requesting them to intercede on behalf of Mr. Schroeder, assuring them that if a maintenance and repatriation guarantee was requested, we would gladly comply. On September 21 we received a cable from our attorneys advising, "GOVERNMENT HAVE REFUSED VISAS SCHROEDERS WITHOUT ASSIGNING ANY REASON AND NOTWITHSTANDING OUR OFFER GUARANTEE MAINTENANCE REPATRIATION".

Mr. Schroeder has been in our employ since 1930 -

He was first employed by our Holland subsidiary in Amsterdam as Chief Accountant. He later became Office Manager of that subsidiary.

From May 1932 to March 1936 he was Office Manager of our German subsidiary, Palmolive-Binder & Ketels, G.M.B.H., Hamburg.

From April 1936 to October 1939 he was Office Manager of our Java subsidiary in Batavia.

OCT 1 1945

IM/LAH

BILL III SCHROEDER, JOHAN H.L.
845.111/10-145

It is extremely important that we re-establish our business in India at the earliest possible date and we are very desirous of Mr. Schroeder proceeding to Bombay at the earliest possible moment and feel that we are entitled to know why he has been refused a visa. Your attention to this matter will be greatly appreciated.

Respectfully yours,

COLGATE-PALMOLIVE-PEET COMPANY

W. L. Sims II

W. L. Sims II
Vice President

MHM:aw

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

OFFICE OF THE COMMISSIONER

No. 284 — New Delhi, India

RESTRICTED — 4 October 1945

Subject: Change in Government of India Policy toward Civilian Enemy Foreigners

OFFICE OF EUROPEAN AFFAIRS
OCT 17 1945
DEPARTMENT OF STATE

RECEIVED
DIVISION OF
CENTRAL SERVICES
1945 OCT 10 AM 10 37

DIVISION OF
MIDDLE EASTERN AFFAIRS
NOV 14 1945
DEPARTMENT OF STATE
VISA DIVISION

1945 OCT 15 AM 9 47
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DEPARTMENT OF STATE

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to inform the Department that now hostilities have ceased the Government of India has reviewed its policy in respect to enemy foreigners generally. During the war, the Government kept most of the German and Italian nationals in detention for security reasons. Some were exempt from detention, such as refugees from Nazi Germany, and some were released from time to time as the war progressed.

The Government has now decided that those whom it was necessary to keep in detention up to the end of the war should be compulsorily repatriated, but that individual applications for relaxation from the general rule will be considered on the following grounds:

(a) risk of persecution on return to own country;
(b) length of residence and connections in India;
(c) required in India for work of national importance;
(d) those with wives and children who are British subjects; and
(e) any other circumstances in which compulsory repatriation might cause undue hardship.

845.111/

The various restrictions upon enemy foreigners who were allowed to remain at liberty have been removed and in the future they will be treated as foreigners subject to the Registration of Foreigners Act and the rules thereunder and to the Foreigners Order.

The Government has also imposed a ban on the admission of enemy foreign for the next five years. A relaxation from this ban will be considered in exceptional cases.

Respectfully yours,

For the Commissioner:

DIV OF FOREIGN ACTIVITY CORRELATION
NOV 20 1945
DEPARTMENT OF STATE

Glenn A. Abbey
Secretary

811.1
GAAbbey:aad

Copy to American Embassy, London.

845.111/10-445

HECTC SENT TO DCR/C

In reply refer to
ME

OCT 10 1945

845.111/10-1045

My dear Mr. Sims:

I have received your letter of October 1, 1945 regarding the refusal of the Government of India to grant a visa to your employee, Johan Henry L. Schroeder, and his wife, Johanna, Dutch subjects now domiciled in Sydney, Australia.

In view of Mr. Schroeder's long connection with your company, I have made informal inquiry of the Agency General for India at Washington regarding his case. The Agency General has promised to make an investigation and to inform me of the reasons for the refusal of a visa to Mr. and Mrs. Schroeder. I shall keep you informed regarding the matter.

845.111

Sincerely yours,

Harold B. Minor
Acting Chief
Division of Middle Eastern Affairs

W. L. Sims II, Vice President,
Colgate-Palmolive-Peet Company,
105 Hudson Street,
Jersey City, New Jersey.

OCT 10 1945 P.M.

ME:RLThurston:ac

BC

WE NOTE

IM/LAH

NOV 6 1945

In reply refer to
ME

Dear Humphrey:

Thank you very much for your letter of October 26, 1945, informing me that the Government of India has authorized the Agent General to grant visas without reference to India to Americans who are replacing or augmenting the staffs of American importers already established in India. It is noted that the Government of India is also seeking to obtain the agreement of the Provincial Governments to the elimination of prior consultation with them for other cases.

We very much appreciate the cooperation of the Government of India in effecting this partial solution and hope to learn in the near future that the Government of India has been able to arrange for the expeditious handling of visa applications of Americans not covered by the present arrangement.

Sincerely yours,

845.111/

Lampton Berry
Assistant Chief
Division of Middle Eastern Affairs

Mr. Humphrey Trevelyan,
First Secretary,
Indian Agency General,
2107 Massachusetts Avenue, N.W.

CR
NOV 6 1945

ME:LBerry:GMS
11-2-45

845.111/10-2645

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PREPARING OFFICE WILL INDICATE WHETHER

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Charge Department:

Charge to

TELEGRAM SENT

Department of State

Washington

PREPARING OFFICE WILL TYPE HERE CLEARLY THE CLASSIFICATION OF THE MESSAGE:

CONFIDENTIAL

NOV 9 1945

8 pm

VIA WAR DEPT.

This telegram must be closely paraphrased before being encrypted. CONFIDENTIAL

AMERICAN MISSION

NEW DELHI

877

Indian Agent General has informed DEPT that he is now authorized to grant visas without reference to GOVT of India to Americans who are replacing or augmenting staffs of American importers already established in India. GOVT of India is also seeking agreement of Provincial GOVTS to elimination of prior consultation with them in other cases.

Please inform consular offices.

Byrnes

845.111/11-945

845.111

NOV 9 1945 P.M.

ME:LBerry:ac
11/5/45

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DIVISION OF
CENTRAL SERVICES
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PREPARING OFFICE WILL INDICATE WHETHER

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Charge Department: NLC

Charge to

TELEGRAM SENT

Department of State

Washington

PREPARING OFFICE WILL TYPE HERE CLEARLY THE CLASSIFICATION OF THE MESSAGE:

PLAIN

NOV 28 1945

845.111-2345

COLGATE PALMOLIVE PEET CO.

JERSEY CITY. (NEW JERSEY)

Indian Agency General has received telegram dated November 26 from Government of India, New Delhi stating no objection issuance visa Schroeders. Suggest you cable Schroeder requesting him apply again British Passport officer Sydney who can if necessary obtain favorable confirmation New Delhi decision by cable.

James F. Byrnes
(J.B.)

Secretary of State

845.111

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DIVISION OF
CENTRAL SERVICES
NOV 29 6 57 PM
DEPT. OF STATE
COURIER DESK

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NOV 28 1945 P.M.

ME:RLThurston:ac
11/28/45

IM/HM

A microfilm project o

STANDARD FORM NO. 64

DC/R

Office Memorandum • UNITED STATES GOVERNMENT

TO : **FILES**

DATE: November 28, 1945.

FROM : **ME**

SUBJECT: Favorable decision of Government of India regarding issuance of visa to Dutch employee of American company.

Mr. Ahmed of the Indian Agency General telephoned to inform me that the Agency General had received a telegram dated November 26, 1945 (25/140 Poll (E)) from the Government of India stating that it was willing to authorize the issuance of Indian visas to Mr. and Mrs. Schroeder, Dutch subjects, now residing in Sydney, Australia. Mr. Schroeder is an employee of the Colgate-Palmolive company, an American concern, and the company should be informed of the Government of India's decision.

845.111/11-2845

DIVISION OF
MIDDLE EASTERN AFFAIRS
NOV 29 1945
DEPARTMENT OF STATE

845.111

ME:RLThurston:ac
11/28/45

IM/HM

COLGATE-PALMOLIVE-PEET COMPANY
105 HUDSON STREET
JERSEY CITY 2, N.J.

WILLIAM L. SIMS II
VICE PRESIDENT

OFFICE OF THE SECRETARY
DEPARTMENT OF STATE
1945 DEC 6 PM 04

1772

November 30, 1945

The Honorable James F. Byrnes
Secretary of State
Washington, D. C.

Dear Secretary Byrnes:

We gratefully acknowledge receipt of your telegram of November 28, advising us that the Government of India has no objection to the issuance of visas to our employee, Johan Henry L. Schroeder, and his wife. We greatly appreciate your personal cooperation in securing these visas.

In accordance with your suggestion, we have cabled Mr. Schroeder this information and advised him to apply to the British Passport Officer in Sydney.

Thanking you very much, we are

Yours respectfully,
COLGATE-PALMOLIVE-PEET COMPANY

W. L. Sims II
Vice President

MBM:aw

845.111/11-3045

DIVISION OF MIDDLE EASTERN AFFAIRS
DEC 14 1945
DEPARTMENT OF STATE

VISA DIVISION
1945 DEC 7 AM 10 58
RECEIVED
DEPARTMENT OF STATE

845.111

CROSS-REFERENCE FILE

NOTE

SUBJECT

Declaration of dollar holdings by Americans temporarily residing in India not required.

For the original paper from which reference is taken

See 4587
(Despatch, telegram, instruction, letter, etc.)

Dated May 1, 1946 From // To // New Delhi

File No. 845.5151/5-146

U. S. GOVERNMENT PRINTING OFFICE 1—1540

8517

PREPARING OFFICE WILL INDICATE WHETHER

Collect

Charge Department:

Charge to

TELEGRAM SENT

Department of State

Washington

PREPARING OFFICE WILL TYPE HERE CLEARLY THE CLASSIFICATION OF THE MESSAGE:

PLAIN

MAY 29 1946

AMERICAN MISSION,

NEW DELHI.

510 TWENTY-NINTH

FOR MERRELL FROM HENDERSON

Louis Fischer, well-known American writer and lecturer, is planning to visit India and has applied for an Indian visa. I would appreciate any assistance which you might be able to give in obtaining from Indian GOVT favorable reply to application.

Byrnes
(SWH)

845.111/5-2946

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DIVISION OF
CENTRAL SERVICES

1946 MAY 29 PM 8 53

TELEGRAPH
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MAY 29 1946

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May 29, 1946

845.111/5-2946

No. 2866

AMERICAN CONSULATE GENERAL

Bombay, India, June 17, 1946

DEPARTMENT OF STATE
JUL 9 - 1946
DIVISION OF NEAR EASTERN AFFAIRS

UNRESTRICTED

SUBJECT: Inability of American citizen to obtain Iraqian Visa on holiday observed by Iraqian Consulate General in Bombay.

DEPARTMENT OF STATE
1946 JUN 28 PM 1 01
RECORDS BRANCH

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

DIVISION OF NEAR EASTERN AFFAIRS
JUL 3 - 1946
DEPARTMENT OF STATE

SIR:

I have the honor to report that Mr. T.W. Brough, an American businessman in Bombay, was unable to obtain an Iraqian Visa on a holiday observed by the Iraqian Consulate General in this city.

The circumstances of the case are as follows. Mr. Brough was informed on the morning of June 14, 1946 that a priority had been established for his air travel leaving Karachi on June 16, 1946 for Cairo. In order to make his Karachi connection it was necessary that he leave Bombay on June 15 at 8 a.m. It was necessary that he obtain a visa for Iraq before he would be permitted to board the BOAC plane leaving Karachi.

Upon receipt of his notice, Mr. Brough communicated with the Iraqian Consul General in this city and informed him that in order to make his connection he would have to obtain an Iraqian Visa on the afternoon of June 14. The Iraqian Consul General stated that since the Consulate General was closed on that date in observance of a Mohammedan holiday it would be impossible to grant the visa to Mr. Brough.

When this information came to my attention I considered that the urgency of Mr. Brough's case justified my taking up the matter with the Iraqian Consulate General. I thereupon telephoned Mr. Bakr, the Iraqian Consul General at his residence, explained the circumstances of the

case

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UNRESTRICTED

845.111/6-1746
CS/V
DCR - ITP Unit

AIR MAIL

case to him and asked if it would be possible for him to make an exception and issue the visa to Mr. Brough. Mr. Bakr replied, however, that it would be impossible to issue the visa on June 14, since the Consulate General was officially closed that day.

These data are transmitted to the Department for its information.

Respectfully yours,

Howard Donovan
American Consul General

130.8 (879.6)
J.Jefferson Jones, III:ad:os:cb

Original and ozalid impression to the Department

Copy to: American Mission, New Delhi.

UNRESTRICTED

NO: 2866

AMERICAN CONSULATE GENERAL

Bombay, India, June 17, 1946

UNRESTRICTED

SUBJECT: Inability of American citizen to obtain Iraqian Visa on holiday observed by Iraqian Consulate General in Bombay.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

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case

case to him and asked if it would be possible for him to make an exception and issue the visa to Mr. Brough. Mr. Bakr replied, however, that it would be impossible to issue the visa on June 14, since the Consulate General was officially closed that day.

These data are transmitted to the Department for its information.

Respectfully yours,

Howard Donovan
American Consul General

130.8 (879.6)
J.Jefferson Jones, III:ad:os:cb

Original and ozalid impression to the Department

Copy to: American Mission, New Delhi.

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DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

ACTION COPY

DEPARTMENT OF STATE

INCOMING TELEGRAM

ACTION: NEA
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Paraphrase before communicating except to Government Agencies.

RESTRICTED

SECSTATE

7439

New Delhi

Dated June 21, 1946

Rec'd 12:19 p.m., 21st

DIVISION OF
MIDDLE EASTERN AFFAIRS
JUN 21 1946
DEPARTMENT OF STATE

730, June 21, 3 p.m.

Government India has decided to refuse temporary visas for entry into India of South Africans in retaliation for refusal of visas to Indians by Union Government.

MERRELL

RB

RESTRICTED

845.5111/6-2146

LPC

PERMANENT RECORD COPY: THIS COPY MUST BE RETURNED TO DC/R CENTRAL FILES WITH NOTATION OF ACTION TAKEN.

NO. 2985

AMERICAN CONSULATE GENERAL

Bombay, India, July 24, 1946.

RESTRICTED

OFFICE OF EUROPEAN AFF. DISTRIBUTION SECTION AUG 12 1946 DEPARTMENT OF STATE

SUBJECT: Delay Suffered by American Citizen in Obtaining South African visa.

1—1055

DIVISION OF MIDDLE EASTERN AFFAIRS AUG 12 1946 DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that an American businessman, Mr. Irwin S. Harris, of Getz Brothers and Company, has undergone a lengthy delay in obtaining a visa to return to South Africa after a temporary visit to India, although he had previously been admitted in the Union of South Africa for permanent residence.

DEPARTMENT OF STATE AUG 12 1946 DIVISION OF FOREIGN REPORTING SERVICES

Mr. Harris first applied to the Passport Officer for the Government of Bombay in March, 1946 for a visa to enable him to return to South Africa after his short visit to India. He was informed by the Passport Officer that he should give certain data to the Passport Office in Bombay for transmission to the South African authorities. Mr. Harris submitted the necessary data and was informed that the visa application had been airmailed to the South African authorities, with the request that the permission for the issuance of a visa be cabled to Bombay. As Mr. Harris received no information regarding his application after some weeks had passed, he communicated again with the Passport Officer for the Government of Bombay and was informed by that Officer that, according to the Union of South African Government, it had never received the visa application. According to the Passport Officer, however, a copy of the original application was airmailed to South Africa on June 29.

Since Mr. Harris had obtained accommodation on what appeared to be at that time the only ship leaving Bombay for South Africa, which was scheduled to depart on July 18, he enlisted the assistance of the Consulate General in the matter. The Consulate General telegraphed to the American Legation in Pretoria on July 2, requesting it, if no objection was perceived, to use its good offices with the South African Government for the purpose of expediting the issuance of the visa to Mr. Harris. This action was taken since it appeared that Mr. Harris' request for assistance was a justifiable one, as he was in possession of

identification

RESTRICTED

845.111/7-2446 CS/HH

No. 5382

AIR MAIL Despatch No. 2985
Bombay, India, July 24, 1946.

identification cards issued by the Government of South Africa, which, it is understood, signifies that he was admitted into that country for permanent residence.

On July 8 I requested the American Legation in Pretoria to endeavor to expedite its reply to my telegram of July 2 since it was found that the vessel on which Mr. Harris had accommodation was to depart at an earlier date than had been anticipated. On July 11 the Legation at Pretoria replied that it had been advised that Mr. Harris' application had not been received by the Department of Interior of the Union of South Africa, and that until it was received, no action could be taken by that Department. Since Mr. Harris had received no information about his visa and was fortunate enough to obtain a passage on another vessel leaving for South Africa early in August, the Consulate General has cabled a third time to the American Legation in Pretoria asking that office to attempt to ascertain whether the visa application had been received by the South African Government, and if so, when it could be expected that notice of the approval of the application would be cabled to the Passport Officer in Bombay.

The inability of Mr. Harris to depart on the earlier vessel with the consequent delay in his arrival in the Union of South Africa has caused him considerable inconvenience and expense. Since he had expected to be in South Africa in August, and had acted accordingly, it was necessary for him to cable to various countries of the world, including the United States, informing persons of the alteration in his plans. It is difficult to apportion the blame for the delay which Mr. Harris has suffered in carrying out his legitimate business. It is the opinion of the Consulate General, nevertheless, that the apparent oversight or lack of cooperation either by British authorities in Bombay or in the Union of South Africa is inexcusable. Certainly, no British businessman wishing to travel for legitimate business purposes to the United States would be subjected to a delay of four months.

The Department will recall that in October 1945 it was necessary to make representations to the Indian Agent General at Washington regarding the ridiculous visa procedure then in force with respect to American businessmen proceeding to India. This situation was remedied very promptly after it came to the attention of the Indian Agent General and Lord Halifax. The case of Mr. Harris seems to be another instance of the British propensity for "muddling through". I have noticed that the "muddling" is usually more detrimental to American business interests than to British interests.

It is interesting to speculate upon the reaction which would occur if South African or Indian businessmen had to put up with similar treatment at the hands of American consular officers. It is my considered opinion that there is a limit to the embarrassment and annoyance which American businessmen must undergo at the hands of British Passport Control authorities and it is my intention to continue to report similar cases of this nature. A

few

AIR MAIL Despatch No. 2985
Bombay, India, July 24, 1946.

few more cases such as that of Mr. Harris will result in direct representations to the Department on the part of American business concerns, apart from any reports which may be made by this office.

A further example of the difficulties encountered by American businessmen is exemplified by Mr. Harris' efforts to obtain a visa for Portuguese East Africa. The agents of the vessel on which Mr. Harris hopes to sail on August 8 announced yesterday that it would not call at a South African port so that it will be necessary, in the event that Mr. Harris finally obtains a South African visa, for him also to obtain a Portuguese transit visa to enable him to land at Lourenco Marques in order to proceed to Johannesburg. The Portuguese Consulate General at Bombay told Mr. Harris that they would have to telegraph to Lisbon for the necessary authority to issue a transit visa for Portuguese East Africa. Mr. Harris has in his passport two expired visas for entry into Portuguese East Africa, both of which were obtained from the Portuguese Consulate General at Johannesburg without reference to Lisbon. The Vice Consul in charge of the Portuguese Consulate General at Bombay, however, insists that he has received no instructions cancelling existing instructions that he must refer all such applications to Lisbon for authorization. I am today telegraphing the American Embassy at Lisbon asking it to endeavor to expedite action on Mr. Harris' application for a visa, but I think it highly probable that Mr. Harris will have to cancel his sailing a second time owing to the red-tape and ridiculous formalities outlined in this despatch.

Respectfully yours,

Howard Donovan
American Consul General

130.8
J. JEFFERSON JONES III: H. DONOVAN: dc:os

Original and ozalid to the Department.

Copies to :

American Mission, New Delhi.
American Embassy, London.
American Legation, Pretoria.
American Embassy, Lisbon.

RESTRICTED

AMERICAN PRESIDENT LINES

716 TRANSPORTATION BUILDING • WASHINGTON, D. C.

TELEPHONE METROPOLITAN 0695

Trans-Pacific Service • Round-World Service

November 15, 1946.

PERSONAL
Mr. Sidney Lafoon
Department of State
Room 601, 515 - 22nd Street, N.W.
Washington 25, D. C.

Dear Mr. LaFoon:

Reference is made to our endeavors to have the Indian Government authorize payment of fares for repatriated Chinese from Bombay to China in the sailing of the ss MARINE FALCON in U.S. dollar exchange.

For your information I am attaching copy of cable sent by the Chinese Embassy on November 14th to their Consul in Calcutta. Also copy of another cable sent to their Ministry of Foreign Affairs in Nanking. You will note that in the cable to Nanking they have asked for authority to guarantee to the American President Lines payment of the necessary fares in U. S. dollar exchange, similar to a guarantee which was recently given to the Maritime Commission in connection with the repatriation of Chinese Nationals from Germany.

Yours very truly,

Glenn F. Weymueller
District Passenger Agent

GFW/ndr
Enclosures.

845.111/11-1546

COPY

FILE

OUTGOING TELEGRAM

TO Sinoconsul
Calcutta, India

NO. DATE 11/14/46

Further reference repatriation Chinese officials and families State Department has instructed American Consul General New Delhi to request Indian Government grant necessary United States dollar exchange stop Please contact American Consul General and coordinate activities with him immediately stop we are also cabling Ministry suggesting that in view of possible delay and difficulty in securing necessary United States dollar exchange our government might consider authorize guarantee to American President Lines for payment of necessary fares in United States dollar exchange stop Please telegraph developments as soon as possible as American President Lines insists on definite decision within ten days.

Sinoembasy

COPY FILE

OUTGOING TELEGRAM

TO Ministry of Foreign Affairs (to be translated into Chinese)
Nanking, China

NO. Date 11/14/46

Further reference repatriation of approximately one thousand Chinese officials and families from Calcutta to Hongkong and Shanghai American President Lines Head Office in San Francisco insists that payment of fares must be made in United States dollars stop We have already requested good offices of State Department to prevail upon Indian Government to grant necessary United States dollar exchange and department has already instructed American Consul General in New Delhi to approach Indian Government Stop Unless definite assurance is given American President Lines that final decision in this matter is forthcoming within one week or ten days steamship company may find it necessary to cancel proposed dispatch of steamship Marine Falcon from San Francisco to India for above purpose stop We respectfully submit for your consideration that in view of possible delay and difficulty in securing United States dollar exchange from Indian Government our Government might authorize guarantee to American President Lines payment of necessary fares in United States dollar similar to guarantee give to United States Maritime Commission repatriate Chinese Nationals from Germany recently stop In view of urgency and shortness of time it is of utmost importance that your decision be telegraphed us immediately.

Sinoembasy

Mr. Lafoon:

Mr. ~~Miller~~ Weymuller called and gave these rates:

		S.F
From Bombay to Hongkong:		
First class	$250.	600
Dormitory	213.	510
Third Class	125.	300
From Bombay to Shanghai		
First Class	$275.	
Dormitory	234.	
Third Class	138.	

He will call you again as soon as he gets rest of figures.

mmcc

1st Class, Madras 130 = 111.5.8
Dor 110 = 94.5.8
3rd 65 = 55.12.6

Leaving Bombay 160
136
80

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE

ACTION COPY

INCOMING TELEGRAM

SPD

13

CONFIDENTIAL

Action: SPD
Info:
NEA
OFD
TRC
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OCD
FC
OIC
DC/R

11/15/46 Communicated by phone to S.F. requesting to quote Padon SHL

Control 5062

Rec'd November 16, 1946
10:07 p.m.

Discussed with Mr. Allen SHL

FROM: New Delhi

TO: Secretary of State

NO: 1132, November 16, 1 p.m.

Assistant Secretary Home Dept. states question of exchanges bill pending in Finances Dept. but will probably be granted in a few days (REDEPTEL 869 - fourteenth). Govt. of India requests info approximate dollar cost per passenger.

WEIL

JMS:AGB

CONFIDENTIAL

845.111/11-1646

1951 6 AM

PERMANENT RECORD COPY: THIS COPY MUST BE RETURNED TO DC/R CENTRAL FILES WITH NOTATION OF ACTION TAKEN.

4514

PREPARING OFFICE WILL INDICATE WHETHER Collect

OUTGOING TELEGRAM

PREPARING OFFICE WILL TYPE HERE CLEARLY THE CLASSIFICATION OF THE MESSAGE:

PLAIN

Department of State

Washington

Charge Department:

Charge to Dept

US URGENT

PLAIN

845.111/11-1446
3PD
NOV 20 1946

AMERICAN EMBASSY,

NEW DELHI, (INDIA)

874 TWENTIETH

Fares in US dollars follows:

Bombay to Hongkong: first class, $250; dormitory, $213; third class, $125. Bombay to Shanghai, first class, $275; Dormitory, $234; third class, $138. Bombay to San Francisco, first class, $600; dormitory, $510; third class, $300. Singapore to Madras, first class, $130; dormitory, $110; third class, $65. Singapore to Bombay, first class, $160; dormitory, $136; third class, $80.

SIL

Anticipated strike may end ~~28th~~ this week. Reply urgently.

Acheson

Acting

DCR AIP Unit

DISTRIBUTION DESIRED (OFFICE ONLY)

SPD
NEA

cleared with Mr. Allen
ME

11/19/46

TELEGRAPH RELEASED

NOV 20 P.M. 5 37

CS/V

845.111/11-2046

★ U. S. GOVERNMENT PRINTING OFFICE-1946

FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

DATE:

TO : CR

November 19, 1946

FROM : SPD

SUBJECT :

This information is not confidential and it is believed that New Delhi will understand that reply has reference to their 1132

A. E. C.

SPD:SKLafoon:mmcc

FORM DS-322
7-18-46

INDICATE
Collect
Charge Department
Charge to

OUTGOING TELEGRAM

CLASSIFICATION

RESTRICTED

Department of State

Washington

RESTRICTED

5934

SEP 25 1947

7 pm

US URGENT - NIACT

AMEMBASSY

NEW DELHI

633

Dr. E. D. Lucas, former principal Forman Christian College, Lahore, has been appointed Director of Famine and Refugee Relief for Church World Service India. He and wife prepared depart for India by air immediately upon receipt Indian visas applied for through Brit Congen New York. Please request expedition External Affairs approval these visas in view close relation Lucas assignment with shipment medical supplies and assistance from American volunteer agencies.

LOVETT Acting

845.111/9-2547

CS/A

DCT

845.111/9-2547

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845.48

DISTRIBUTION DESIRED (OFFICES ONLY)

CR CLEARANCE

C SEP 25 1947 P.M.

MEI:JSSparks:jm
9-25-47

SEP 25 PM 6 52
ACCELERATED DESK
Classified
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Checked
Reviewed

U. S. GOVERNMENT PRINTING OFFICE - 1947 786335

ARTHUR M. CHURCHILL
2491 S. W. SHERWOOD DRIVE
PORTLAND 1, OREGON

October 27, 1947.

DEPT. OF STATE
DIVISION OF MIDDLE
EASTERN AND INDIAN AFFAIRS

Department of State,
Washington, D. C.

Attention Division with Knowledge of India.

DEPARTMENT OF STATE

Gentlemen:

May I ask for latest advices on the extent to which it is safe or desirable that Americans may travel in India. May I say, by way of introducing myself, that I am a member of the Portland Committee on Foreign Relations and have sat in conferences here with numerous representatives of the Department, including Mr. George Kennan, Charles P. Taft and others.

My youngest son, who is a little over 18, left San Francisco as a sailor on the Norwegian Silver Line ship, Hoegh Silvercrest, on the 11th, routed to Manila, Colombo, Bombay, Karachi and Basra. My disposition was to urge or insist that he remain with the ship and take no chances on oriental land travel.

However, I had planned to go myself to India this winter, if possible, and take him with me - this being his year between High School and college - though I have not been able to go and probably would have been unable to obtain passenger passage, even if my business affairs had permitted the trip. On reflection, therefore, I have wondered if I ought not to send him needed funds to do some travelling in India, while he is going by and at the door.

Present conditions in India, however, look to the casual reader (for instance this week's Time magazine article) rather forbidding. Still I wonder if, by advising with the local consul at Bombay or with the banks there, or with the American Express, it might not be safe for him to travel within reasonable limits, if conditions do not get worse. I had momentarily in mind, for example, suggesting he take a somewhat triangular trip, from Bombay through Jubbulpore to Allahabad and Benares; thence Northwest to Agra and perhaps to Delhi, then back to Bombay - seeing points between, with perhaps closer-by trips to Hyderabad and Kathiawar.

I am wondering about the railroads also, whether the present vast movements of people would make rail travel prohibitive for the American visitor, insofar as rail travel is concerned.

He is not due in Bombay until December 15, I understand, so I have time for air correspondence with American representatives or banks in Bombay in the interim. May I have any counsel or recent data which you feel free to give out in this connection. I am enclosing airmail postage for reply, as my time is limited.

Very gratefully yours,

Arthur M. Churchill

DCR - CLAIMS UNIT
Ancl.
Rev.
Cat.

845.111/10-2747
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NOV 1 1947

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NOV 6 1947

In reply refer to
SOA:845.111/10-2747

845.111/10-2747

My dear Mr. Churchill:

The Department of State has received your letter dated October 27, 1947 in which you have asked advice on the extent to which it is safe or desirable for an American citizen to travel in India at the present time.

The recent disturbances in India have been restricted mainly to areas in the north. The itinerary which you have in mind for your son would take him through areas which have been for the most part, free of communal disorders, although as you probably already know, there have recently been riots in Delhi.

Because Hyderabad has not acceded to the Dominion, its status is not clear and pending a decision by Hyderabad as to its relationship to the rest of India, it might be well to avoid entry into that state. It is thought that travel in the area south of the line, Bombay--Allahabad--Calcutta, would entail no risk.

However, events in India have been occurring suddenly, sometimes without warning and the situation changes almost from day to day. The best advice is to avoid unnecessary travel, but in view of your son's interest in India, it would be unfortunate were he to miss the opportunity of seeing more of the country. Therefore, it is urged that upon arrival he visit the

Consulate General.....

CS/A

845.111/10-2747

Mr. Arthur M. Churchill

2491 S. W. Sherwood Drive

Portland 1, Oregon

mmd

JLO

A microfilm project of

Consulate General at Bombay where he may be given on the spot advice and possible suggestions regarding his itinerary.

The Department is returning the stamped self-addressed envelope which you enclosed in your letter.

Sincerely yours,

Elbert G. Mathews
Assistant Chief, Division
of South Asian Affairs

Enclosure:
1 - Stamped, self-addressed envelope.

[redacted]
NOV 5 1947 P.M.

SOA:WLSWilliams:cbs
November 5, 1947

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

UNCLASSIFIED

New Delhi, India, February 19, 1948

NO. 170

SUBJECT: Foreigners Order, 1948

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit five copies of the Gazette of India dated February 14, 1948 in which is published under date of February 10, 1948 the "Foreigners Order, 1948."

This order establishes the conditions under which foreigners may enter and depart from India and provides for detention in the case of illegal entry. Of special interest is the clause which provides that no seaman or member of the crew of an aircraft, being a foreigner, shall be permitted to land in India unless the owners or agents of the vessel or aircraft have undertaken the responsibility for the maintenance of such seaman or member of the crew during his residence in India and for the expenses of his departure from India. This clause is significant in relation to the rendering of relief by American consular officers to destitute American seamen. Inasmuch as a seaman now cannot enter India in his capacity as a seaman without the owner of his vessel having undertaken to provide for him while in India, it appears that an American seaman in India could not become destitute within the meaning of the Foreign Service Regulation.

The law also provides that no foreigner shall enter or leave India except at a port or other recognized place of entry and departure, and that he may not depart without the permission of the civil authority having jurisdiction at such port or place.

Under this law the civil authority may require the master of the vessel or pilot of the aircraft in which a foreigner has arrived or the owners or agents of that vessel or aircraft to remove a foreigner who has been refused permission to enter, or who has entered India without its permission.

The law also defines prohibited places and protected areas, to which foreigners may not go, provides for the governing of the movements and associations of foreigners while in India, and gives to the appropriate civil authority power to close clubs and restaurants which are frequented by foreigners, if the places or the foreigners who habituate them, are considered criminal, disloyal or undesirable.

The last

845.111/2-1948

CS/A FILED MAY 26 1948

The last section provides that a foreigner may be arrested without warrant when it is necessary in the public safety to do so.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

Enclosure:

5 copies of the Gazette of India,
February 14, 1948

HTSmith:asi:fv

Original and hectograph to Department
Copy to: Consulate General, Bombay
Consulate General, Calcutta
Consulate General, Madras

Noted in the Passport Division
Subject File 11/A/9.1 India
Date 5/11/48

Enclosure to Despatch No. 170 dated February 19, 1948 from Howard Donovan, Counselor of Embassy, American Embassy, New Delhi, India, entitled "Foreigners Order, 1948."

REGISTERED No. L. 3131

The Gazette of India

PUBLISHED BY AUTHORITY

No. 7] NEW DELHI, SATURDAY, FEBRUARY 14, 1948

NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending 10th February 1948 :—

S. No.	No. and date	Issued by	Subject
1	No. F. 2 (17)/48,-R. & J,. dated the 4th February 1948.	Chief Commissioner's Office, Delhi . .	Rashtriya Swayam Sewak Sangh declared unlawful in the Province.
2	No. G. G. O. 34, dated the 5th February 1948.	Ministry of Law	The India Provisional Constitution (Amendment) Order, 1948.
3	No. 30/1/48- Appt. Sp., dated the 5th February 1948.	Ministry of Home Affairs . . .	12th February 1948 declared a public holiday on account of the immersion of Mahatma Gandhi's ashes.
4	No LR-2 (143), dated the 5th February 1948.	Ministry of Labour	Reference of a dispute between workmen in the Mica mines of Bihar for ad judication by Mr. F. Jeejeebhoy Chairman of the Industrial Tribunal Dhanbad.
5	No. F-2 (17)/48-R.&J, dated the 5th February 1948.	Ministry of Home Affairs . . .	Notifying the places used by the unlawful association the Rashtriya Swayam Sewak Sangh.
6	Ordinance No. III of 1948, dated the 7th February 1948.	Ministry of Law	The Transfer of Property (India) Ordinance, 1948.
7	No. 3-T (1)/48, dated the 7th February 1948.	Ministry of Commerce	Resolution re restoration of the cut of Rs. 12-8- per ton pending examination by the Tariff Board on the question of steel prices.
8	No. G. G. O. 35, dated the 10th February 1948.	Ministary of Law	The India Provisional Constitution (Second Amendment) Order, 1948.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

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Statistics of reported attacks and deaths from cholera, small-pox, plague and other infectious diseases in districts and towns in India and some of the Indian States during the week ending the 3rd January 1948. . . . . 59—61

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PART I—Section 1

Government of India Notifications relating to Rules, Regulations and Orders, and Resolutions (other than the Ministry of Defence)

CONSTITUENT ASSEMBLY OF (INDIA)

New Delhi, the 6th February 1948

No. CA/8/Ser/48.—Shri Kuladhar Chaliha has been duly elected a member of the Constituent Assembly of India as a representative of the Assam Province *vice* the Hon'ble Shri Omeo Kumar Das, resigned.

S. N. MUKERJEE, Joint Secy.

MINISTRY OF LAW

New Delhi, the 4th February 1948

No. F. 82/48-L.—In exercise of the powers conferred by sub-section (3) of Section 175 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Legislative Department, No. 215/42-C&G (Judl.), dated the 16th July, 1943, relating to the execution of contracts and assurances of property, namely:—

In the said notification, after Part XLIII the following part shall be added, namely:—

XLIIIA. In the case of Central Ground Water Organisation (Subject to any limits fixed by the Central Government).

1. (a) All instruments relating to purchase, supply and conveyance or carriage of materials, stores, machinery, etc.;

(b) all instruments relating to the execution of works of all kinds connected with the construction of tubewells;

(c) bonds of auctioneers and security bonds for the due performance and completion of works;

(d) security bonds for the performance of their duties by Government servants whom the officers specified below have power to appoint:—

by a Secretary to Government, Chairman, Deputy Irrigation Adviser, Superintending Engineer, Executive Engineers, Assistant Engineer of Drilling Engineer in-charge of a sub-division and Principal, Central Drilling School.

2. All instruments connected with the reconveyance of any property given as security; *by Chairman, Deputy Irrigation Adviser, Superintending Engineer and Executive Engineer.*

3. Agreement relating to the loan of tools and plants to contractors and others; *by the Executive Engineers.*

4. Agreements for catering contracts at the Central Drilling School or elsewhere or for the protection of conveyances belonging to the staff working in public buildings:—*by Deputy Irrigation Adviser, Superintending Engineer and Executive Engineers.*

K. Y. BHANDARKAR, Joint Secy.

New Delhi, the 6th February 1948

No. D-493/48-L.—*Corrigendum.*—At page 1409 of the *Gazette of India* Extraordinary, dated the 24th December, 1947, in part II of the Schedule to Ordinance No. XXX of 1947, in item 4, *for* "By 03690" *read* "BY 036890".

H. K. KOTHARE, Joint Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 5th February 1948

No. F.74/4/47-Public.—*Corrigendum.*—In the Ministry of Home Affairs notification No. F. 74/4/47-Public(B), dated the 29th December 1947 regarding the signing of orders and other instruments made and executed in the name of the Governor General, for the words "Military Laws and Cantonments" the words "Military Lands and Cantonments" shall be substituted.

A. V. RAMAN, Asstt. Secy.

New Delhi, the 6th February 1948

No. 9/7/48-Police.—In exercise of the powers conferred by proviso (d) to sub-rule (1) of Rule 3 of the Indian Arms Rules, 1924, the Central Government is pleased to direct that the exemption from the operation of the prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), conferred by the said sub-rule on certain persons specified in item 6 (g) of Schedule I to the said Rules shall cease to extend to Khan Bahadur Mohammad Obeidullah Khan of Udeypur Garhi, district Bulandsahar, United Provinces.

U. K. GHOSHAL, Dy. Secy.

New Delhi, the 10th February 1948

ORDER UNDER THE FOREIGNERS ACT, 1946

No. 9/9/46-Political (EW).—In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (XXXI of 1946), and in supersession of the Foreigners Order, 1939, and of all notifications amending the same, the Central Government is pleased to make the following order:—

1. Short title, commencement and extent.—(1) This Order may be called the Foreigners Order, 1948.

(2) It shall come into force at once.

(3) It extends to the whole of India.

2. Definitions.—In this Order—

(1) "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners Rules, 1939, or such other officer as may be authorised by him to perform the functions of a Registration Officer under this Order;

(2) "Civil authority" means such authority as may be appointed by the Central Government in this behalf for such area as it thinks fit;

(3) "Port" includes an airport.

3. Power to grant or refuse permission to enter India.—(1) No foreigner shall enter India otherwise than at a port or such place of entry on the borders of India as a Registration Officer having jurisdiction at such port or place may appoint in this behalf, or without the leave of the civil authority having jurisdiction at such port or place.

(2) Leave to enter shall be refused if the civil authority is satisfied that—

(a) the foreigner is not in possession of a valid passport or visa for India or has not been exempted from the possession of a passport or visa;

(b) he is a person of unsound mind or a mentally defective person;

(c) he is suffering from a loathsome or infectious disease in consequence of which, in the opinion of the medical officer of the port or the place of entry, as the case may be, the entry of the foreigner is likely to prejudice public health;

(d) he has been sentenced in a foreign country for an extradition offence within the meaning of the Indian Extradition Act, 1903 (XV of 1903);

(e) his entry is prohibited either under an order issued by a competent authority or under the specific orders of the Central Government.

(3) The civil authority may attach such conditions as it thinks fit to the grant of leave to enter and such conditions may be varied in such manner or cancelled as the Central Government deems fit.

(4) (a) Notwithstanding anything contained in sub-paragraphs (1) to (3) or in the Indian Passport Act, 1920 (XXXIV of 1920), or in the rules made thereunder, a civil authority may, in the interests of public safety, prohibit the entry of any foreigner into India.

(b) Whenever the civil authority issues an order under clause (a), it shall report the matter forthwith to the Central Government which may cancel or modify the order in such manner as it thinks fit.

(5) Where leave to enter is refused to a foreigner, he may be detained at some place approved by the civil authority and may, if he has come by sea, be placed temporarily on shore for that purpose; and whilst he is so detained a foreigner shall be deemed to be in legal custody and not to have entered India.

4. Landing of Seamen.—(1) No seaman or member of the crew of an aircraft, being a foreigner, shall land in India without a special permit from the Superintendent of Police or any other Police officer not below the rank of a sub-Inspector or Sergeant.

(2) No such permit shall be granted unless the owners or agents of the vessel or aircraft have undertaken either generally in respect of all members of the crew of vessels or aircraft belonging to or managed by them or in an individual case the responsibility for the maintenance of such seaman or member of the crew during his residence in India and for the expenses of his departure from India.

(3) For the purpose of this paragraph "Seaman" has the meaning assigned to it in the Registration of Foreigners Rules, 1939.

(4) The provisions of this paragraph are in addition to, and not in derogation of, the provisions of paragraph 3.

5. **Power to grant permission to depart from India.**—(1) No foreigner shall leave India otherwise than at a port or such recognised place of departure on the borders of India as a Registration officer having jurisdiction at such port or place may appoint in this behalf, or without the leave of the civil authority having jurisdiction at such port or place.

(2) Leave shall be refused if the civil authority is satisfied that:

(a) the foreigner has failed to comply with the formalities of departure prescribed under the Registration of Foreigners Rules, 1939;

(b) the foreigner's presence is required in India to answer a criminal charge;

(c) the foreigner's departure will prejudice the relations of the Central Government with a foreign power;

(d) the departure of the foreigner has been prohibited under an order issued by a competent authority.

(3) (a) Notwithstanding anything contained in the above sub-paragraphs; a civil authority may prohibit the departure of a foreigner where it is satisfied that such departure would not be conducive to the public interest;

(b) whenever a civil authority issues an order under clause (a), it shall report the matter forthwith to the Central Government which may cancel or modify the order in such manner as it thinks fit.

6. **Liability of Master of Vessel etc. to remove a foreigner.**—(1) A civil authority may require the master of the vessel or pilot of the aircraft in which a foreigner has arrived or the owners or agents of that vessel or aircraft, as may be appropriate in the opinion of such civil authority, to remove a foreigner who has been refused permission to enter, or who has entered India without its permission, and the master, pilot, owner or agent, as the case may be, shall comply with such requisition, unless it is received more than two months after the date of the arrival of the foreigner in India.

(2) The master of a vessel or the pilot of an aircraft, scheduled to call at any port outside India, shall, if so required by the Central Government, receive a foreigner in respect of whom an order directing that he shall not remain in India has been made, and his dependants, if any, on board the vessel or aircraft, as the case may be, and afford him and them a passage to that port and proper accommodation and maintenance during the passage.

7. **Restriction on sojourn in India.**—Every foreigner who enters India on the authority of a visa issued in pursuance of the Indian Passport Act, 1920 (XXXIV of 1920), shall obtain from the Registration Officer having jurisdiction at the place at which the said foreigner enters India a permit indicating the period during which he is authorised to remain in India and shall, unless the period indicated in the permit is extended by the Central Government, depart from India before the expiry of the said period; and at the time of the

foreigner's departure from India the permit shall be surrendered by him to the Registration Officer having jurisdiction at the place from which he departs.

8. **Prohibited places.**—(1) No foreigner shall, without the permission of the civil authority having jurisdiction at such place, visit, or reside in, any prohibited place as defined in the Indian Official Secrets Act, 1923 (XIX of 1923).

(2) Where any foreigner is, on the commencement of this Order, residing in any prohibited place and is not permitted to continue to reside there, he shall, within such time as may be specified by the civil authority, remove himself from such place.

(3) The civil authority may impose on any householder or other person in such prohibited place the obligation to report to the police or to any naval, military, or airforce authority the presence of any foreigner in his household or in any premises occupied by him or under his control and the departure of any such foreigner and such other particulars with respect to such foreigner as may be prescribed by such authority.

9. **Protected Areas.**—(1) The Central Government or, with its prior sanction, a civil authority may by order declare any area to be a protected area for the purposes of this Order.

(2) On such declaration, the civil authority may, as to any protected area, by order:

(a) prohibit any foreigner or any class of foreigners from entering or remaining in the area;

(b) impose on any foreigner or class of foreigners entering or being in the area such conditions or restrictions as it may think fit as to:

(i) reporting to the police or any naval, military, or air-force authority;

(ii) surveying or making sketches or photographs;

(iii) the use or possession of any machine, apparatus, or other article of any description;

(iv) the acquisition of land or any interest in land within the area;

(v) any other matter or thing as to which it may deem it necessary in the interests of public safety to impose conditions or restrictions;

(c) impose on any householder or other person the obligation to report to the police or any naval, military, or air-force authority the presence of any foreigner in his household or in any premises occupied by him or under his control, and the departure of any such foreigner and such other particulars with respect to any such foreigner as may be prescribed by the Order:

Provided that the civil authority may, subject to any general or specific direction of the Central Government, grant to an individual foreigner a special permit exempting him from any or all of the conditions or restrictions imposed under this sub-paragraph.

10. **Restrictions on employment.**—No foreigner shall, without the permission in writing of the civil authority, either enter any premises relating to, or be employed in, or in connection with:

(1) any undertaking for the supply to Government or to the public of light, petroleum, power or water, or

(2) any other undertaking which may be specified by the Central Government in this behalf.

11. **Powers to impose restrictions on movements, etc.**—The civil authority may, by order in writing, direct that any foreigner shall comply with such conditions as may be specified in the order in respect of:—

(1) his place of residence,

(2) his movements;

(3) his association with any person or class of persons specified in the order; and

(4) his possession of such articles as may be specified in the order.

12. **Powers to remove foreigners from Cantonments.**—The military officer for the time being in command of the forces in a cantonment may, by order in writing, direct any foreigner to remove himself from the cantonment within such time as may be specified in the order.

13. **Power to close clubs and restaurants.**—(1) A civil authority may direct that any premises in its jurisdiction which in its opinion are used for the sale of refreshments to be consumed on the premises, or as a place of public resort or entertainment, or as a club, and which are or have recently been frequented by foreigners, shall be either closed altogether or kept closed during such hours or for such purposes as may be required by it, if in its opinion either:

(a) the foreigners so frequenting the premises are of criminal or disloyal associations or otherwise undesirable; or

(b) the premises are conducted in a disorderly or improper manner, or in a manner prejudicial to the public good;

and if any premises are kept open in contravention of any such direction the occupier or person having control of the premises shall be deemed to have acted in contravention of this Order.

(2) Where any premises have been closed under this paragraph the occupier or person having control of the premises shall not occupy or control any other premises which are used for the sale of refreshments, or as a place of public resort or entertainment, or as a club without the consent of the civil authority of the area in which the premises are situate.

(3) Any police officer, if authorised by the civil authority may, for the purpose of enforcing the provisions of this paragraph, enter, if necessary by force, and search or occupy any premises in respect of which an order under this paragraph has been made by the civil authority.

(4) Any action taken by a civil authority under sub-paragraphs (1) to (3) above shall be reported forthwith to the Central Government which may cancel or modify such order in such manner as it deems fit.

14. **Expenses of deportation.**—Where an order is made in the case of any foreigner directing that he shall not remain in India or where a foreigner is refused permission to enter India or has entered India without permission, the Central Government may, if it thinks fit, apply any money or property of the foreigner in payment of the whole or any part of the expenses of or incidental to the voyage from India and the maintenance until departure of the foreigner and his dependants, if any.

15. **Power of arrest and detention.**—If, in the opinion of the civil authority, it is necessary for the public safety so to do, the civil authority may arrest any foreigner without warrant and detain him in such manner and at such place as may to such authority appear suitable:

Provided that the manner of such detention shall not be more rigorous than the manner in which an arrested person is detained while in police custody under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided further that a report of such arrest and detention shall be forthwith forwarded to the Central Government with a statement of the reasons therefor and the Central Government may cancel such order or modify the manner of such detention in such manner as it may deem fit.

R. N. BANERJEE, Secy.

MINISTRY OF EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS

New Delhi, the 7th February 1948

No. 46-Pt.—It is notified for general information that the Government of Argentina have closed their Vice-Consulate at Calcutta with effect from the 21st January 1948.

T. J. NATARAJAN, Asstt. Secy.

New Delhi, the 9th February 1948

No. 49-NEF.—In exercise of the powers conferred by Section 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in that behalf, the Central Government is pleased to direct that all laws, rules and orders for the time being in force in the Naga Hills district, Assam, shall so far as applicable, apply to all villages in the Naga Hills Tribal Area within the boundaries described in the Schedule hereto annexed.

SCHEDULE

North.

The Naga Hills District boundary.

East.

From where the YANGMUN (or YANGNYU) River meets the Naga Hills District boundary, up the YANGMUN (or YANGNYU) River to its junction with the TEITHUNG River, up the TEITHUNG River to its source and then in a straight line to Point 6860, then in a straight line south east to the source of the WOKYUNG River, thence down the WOKYUNG River to its junction with an unnamed tributary with its source at Point 8859, then up this tributary in a westerly direction to Point 8859, then southwards down the TSOHYEMUNG River to its junction with the LANGNYU River, then down the LANGNYU River to its junction with the ZUNGKI River then down the ZUNGKI River to its junction with the district boundary at Point 1767.

South.

The Naga Hills District boundary.

West.

The Naga Hills District boundary.

V. M. M. NAIR, Under Secy.

MINISTRY OF FINANCE

New Delhi, the 17th February 1948

No. D. 9919-F. 1/47.—Statement of the Affairs of the Reserve Bank of India as on the 12th December 1947.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	58,68,28,000
Reserve Fund	5,00,00,000	Rupee Coin	9,02,000
Deposits :—		Subsidiary Coin	1,57,000
(a) Central Government of—		Bills Purchased and Discounted :—	
(1) India	351,80,44,000	(a) Internal	...
(2) Pakistan	2,82,50,000	(b) External	...
(b) Other Governments in—		(c) Government Treasury Bills	82,43,000
(1) India	14,19,26,000	Balances held abroad*	384,72,21,000
(2) Pakistan	2,88,74,000	Loans and Advances to Governments	23,00,000
(c) Banks	112,98,61,000	Other Loans and Advances	1,80,000
(d) Others	37,03,02,000	Investments	94,77,78,000
Bills Payable	3,65,30,000	Other Assets	3,99,84,000
Other Liabilities	7,98,06,000		
Total Liabilities	543,35,93,000	Total Assets	543,35,93,000

* Includes Cash and Short Term Securities.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 12th day of December 1947

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	58,68,28,000		A.—Gold Coin and Bullion :—		
Notes in circulation	1215,71,03,000		(a) Held in India	44,41,45,000	
			(b) Held outside India	...	
			Sterling Securities	1135,32,89,000	
Total Notes issued		1274,39,31,000	Total of A		1179,74,34,000
			B.—Rupee Coin		36,80,91,000
			Government of India Rupee Securities		57,84,06,000
			Internal Bills of Exchange and other Commercial Paper		...
Total Liabilities		1274,39,31,000	Total Assets		1274,39,31,000

Ratio of Total of A to Liabilities : 92·573 per cent.

C. R. TREVOR Dy. Governor.

Dated the 17th day of December 1947.

New Delhi the 10th Febouary 1948.

No. D. 1641-F. 1/48.—Statement of the Affairs of the Reserve Bank of India as on the 30th January 1948

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs
Capital paid up	5,00,00,000	Notes	12,28,55,000
Reserve Fund	5,00,00,000	Rupee Coin	14,05,000
Deposits :		Subsidiary Coin	1,64,000
(a) Central Government of		Bills Purchased and Discounted :—	
(1) India	265,94,82,000	(a) Internal	...
(2) Pakistan	45,33,41,000	(b) External	...
(b) Other Governments in		(c) Government Treasury Bills	3,37,00,000
(1) India	17,19,73,000	Balances held abroad *	371,70,50,000
(2) Pakistan	24,32,000	Loans and Advances to Governments	23,00,000
(c) Banks	109,83,84,000	Other Loans and Advances	90,000
(d) Others	35,31,20,000	Investments	107,55,22,000
Bills Payable	3,60,59,000	Other Assets	4,20,97,000
Other Liabilities	12,03,92,000		
Total Liabilities	499,51,83,000	Total Assets	499,51,83,000

*Includes Cash and Short Term Securities.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 30th day of January 1948

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	12,28,55,000		A.—Gold Coin and Bullion :—		
Notes in circulation	1262,18,57,000		(a) Held in India	44,41,45,000	
			(b) Held outside India	...	
			Sterling Securities	1135,32,89,000	
Total Notes issued		1274,47,12,000	Total of A		1179,74,34,000
			B.—Rupee Coin		36,88,74,000
			Government of India Rupee Securities		57,84,04,000
			Internal Bills of Exchange and other Commercial Paper		...
Total Liabilities		1274,47,12,000	Total Assets		1274,47,12,000

Ratio of Total of A to Liabilities : 92·567 per cent.

Dated the 4th day of February 1948

C. R. TREVOR, Dy. Governor.

New Delhi, the 11th February 1948

No. D. 1698-F. 1/48—Statement of the Affairs of the Reserve Bank of India, as on the 6th February 1948

BANKING DEPARTMENT

LIABILITIES	Rs	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	9,56,79,000
Reserve Fund	5,00,00,000	Rupee Coin	12,12,000
Deposits :—		Subsidiary Coin	1,43,000
(a) Central Government of		Bills Purchased and Discounted :—	
(1) India	264,78,36,000	(a) Internal	..
(2) Pakistan	43,21,05,000	(b) External	..
(b) Other Governments in		(c) Government Treasury Bills	4,36,96,000
(1) India	13,90,67,000	Balances held abroad*	374,21,79,000
(2) Pakistan	65,11,000	Loans and Advances to Governments	20,00,000
(c) Banks	101,67,31,000	Other Loans and Advances	1,40,000
(d) Others	38,01,33,000	Investments	93,72,13,000
Bills Payable	3,32,25,000	Other Assets	4,25,93,000
Other Liabilities	10,92,47,000		
Total Liabilities	486,48,55,000	Total Assets	486,48,55,000

*Includes Cash and Short terms Securities.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 6th day of February 1948.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department.	9,56,79,000		A.—Gold Coin and Bullion :—		
Notes in circulation	1279,48,60,000		(a) Held in India	44,41,45,000	
Total Notes issued		1289,05,39,000	(b) Held outside India	..	
			Sterling Securities	1135,32,89,000	
			TOTAL OF A		1179,74,34,000
			B.—Rupee Coin		36,47,01,000
			Government of India Rupee Securities.		72,84,04,000
			Internal Bills of Exchange and other Commercial Paper		..
Total Liabilities.		1289,05,39,000	Total Assets		1289,05,39,000

Ratio of Total of A to Liabilities: 91·520 per cent.

Dated the 11th day of February 1948.

C. D. DESHMUKH, Governor.

V. NARAHARI RAO, Secy.

RESOLUTION

New Delhi, the 5th February 1948

No. D.319-E-IV/48.—With reference to rule 2(10) of the Supplementary Rules, the Governor General is pleased to declare the Chief Labour Commissioner, New Delhi to be the head of a department.

ORDERED that the Resolution be published in the official Gazette.

C. S. MENON, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 7th February 1948

No. 5.—In exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act 1922 (XI of 1922), the Central Board of Revenue directs that the following fuurther amendments shall be made in the Indian Income-tax Rules 1922, the same having been previously published as required by sub-section (4) of the said section, namely:—

In the "Form of return of total income and total world income for individuals, Hindu undivided families, companies, local authorities, firms and other associations of persons under sub-section (1) or (2) of section 22 of the Indian Income-tax Act, 1922" set forth in sub-rule (1) of rule 19 of the said Rules:—

(1) In the Statement under Part I:—

(a) in the heading of column 2, the words and figure "See note 4" shall be omitted;

(b) after Section C, the following section shall be inserted, namely:—

"Section D—Capital Gains on sale exchange or transfer of capital assets—See Note 17-A.

(a) Income which accrued or arose or was received or is deemed to have accrued or arisen or been received in British India.

[applicable to all persons]

(b) Income which accrued or arose outside British India including an Indian State.

[applicable to persons resident and ordinarily resident only. In the case of non-residents foreign capital gains are not included in Total World income]

NOTE.—For deduction of Rs. 4,500 under the third proviso to section 4(10) (c).....*See note* 9.

(c) Income which accrued or arose outside British India after the 31st March 1946 and is brought into British India in the previous year.

[applicable to persons resident but not ordinarily resident].

TOTAL SECTION D .....".

(c) at the end of the Statement for the entry "TOTAL OF SECTIONS A, B & C" the entry "TOTAL OF SECTIONS A, B, C & D" shall be substituted.

(2) After Part VI of the form, the following Part shall be inserted, namely:—

"Part VII—Particulars of income from capital gains.—see note 17-A.

NOTE.—Separate statement should be attached showing in detail:—

1. All capital assets owned by the assessee (including capital assets transferred to the wife or a minor child) as at the beginning of the previous year in three parts.—

(A) Capital assets included in the Balance Sheet as at the close of the immediately preceding previous year. This Statement should also show as regards depreciable assets the value against each item as included in the Balance Sheet and as regards non-depreciable assets the cost thereof.

(B) Capital assets consisting of house property included in Part VI of the Return with cost thereof against each item.

(C) Capital assets not included in Statements under (A) AND (B) with cost thereof against each item.

(2) All capital assets acquired during the previous year with cost of acquisition against each item. This statement should also include capital assets used for the purposes of the business which are included in Part V of the return and on which depreciation is claimed.

(3) All capital assets sold during the year with sale price against each item. The total of the sale price should be taken to the appropriate column of the tabular statement under this Part.

Full value of the consideration for which the sale, exchange or transfer of capital assets is made	Immovable Property Rs.	Machinery & Plant Rs.	Others Rs.	Total Rs.
DEDUCTIONS:				
1. Actual cost of the capital assets sold [see Note 17-A (iv)] give details separately.				
2. Expenditure of a capital nature incurred and borne by the assesses in making any additions or alterations (Give details separately).				
3. Expenditure incurred solely in connection with the sale, exchange or transfer.				
LESS:				
Any option or other money received and retained by the assessee on any previous occasion.				
Total of cost and other deductions admissible.				
Amount of capital gains.				
DEDUCT: Loss sustained in the previous years. [See Note 17, A (v).]				
Cost of any new capital asset purchased for the same purpose as the asset sold, exchanged or transferred was being pnt to (To be filled in only when an election is made in the circumstances set out in section 12—B (4) of the Income tax Act, 1922).				
Net amount of capital gains carried to Part I of the Return.				

(3) In the declaration at the end of the form for the words and figures "and VI" the words and figures "VI and VII" shall be substituted.

(4) In the "Notes for guidance in filling up Return Form No. I.T. 11"—

(a) before Note 1, the following shall be inserted, namely:—

"THE EXPRESSION 'BRITISH INDIA' IN THIS FORM MEANS AS RESPECTS ANY PERIOD BEFORE THE 15TH AUGUST 1947, THE TERRITORIES THEN REFERRED TO AS BRITISH INDIA, AND AS RESPECTS ANY PERIOD AFTER THE 14TH AUGUST 1947, THE TERRITORIES FOR THE TIME BEING COMPRISED WITHIN THE PROVINCES OF INDIA".

(b) for Note 1 the following shall be substituted, namely:—

"1. *On the publication of the notices referred to in section* 22(1) *of the Act* every person or association of persons whose total income exceeds the maximum amount not chargeable with income-tax is required to make a return of his total income and his total world income *whether or not he has been served with an individual notice under section* 22(2) *of that Act*. For the maximum amount which is not liable to income-tax in any year of assessment, reference should be made to the Finance Act enacted for that year.

In the case of—

	Maximum amount not liable to Income-tax. Rs.
(i) Any Court of Wards, Administrator General, Official Trustee, any Receiver, or Manager appointed under any order of a Court, or any trustee or trustees appointed under a trust declared by a duly executed instrument in writing whether testamentary or otherwise, where the income, profits or gains or any part thereof are not specifically receivable on behalf of any one person or where the individual shares of the persons on whose behalf they are receivable are indeterminate or unkonwon.....	Nil.
(ii) Any company or local authority.....	Nil.
(iii) Any person, being a British subject or the subject of a State in India or Burma or a native of Tribal area who is not resident in British India and whose total world income exceeds Rs. 2,500 for the assessment year 1947-48 and Rs. 2,000 for assessment years prior to 1947-48.....	Nil
(iv) Any other non-resident person.....	Nil
(v) Any other individual, Hindu undivided family, firm or association of persons.	
(a) Any part of whose income consists of salaries, interest on securities or dividends.....	Rs. 2,000
(b) others.	Rs. 2,500 for the assessment year 1947-48 and Rs. 2,000 for assessment years prior

Total income is the total income chargeable under the Act and total world income includes all income wherever accruing or arising except (i) income which is exempt under section 4(3) of the Act and (ii) any capital gain which is not includible in the total income of an assessee".

(c) in Note 4, to the paragraph beginning with the words "A company is resident in British India in any year—" and ending with the words "without British India in that year", the following shall be added, namely:—

"account not being taken in either case of income chargeable under the head "Capital gains."

(d) in the last paragraph of Note 6, the words "at or in connection with the termination of your employment" shall be omitted.

(e) For Note 12 the following Notes shall be substituted, namely:—

"12. Non-residents.—Income-tax including super-tax is payable on all incomes accruing or arising or deemed to accrue or arise in British India during the previous year and on all incomes received or deemed to be received in British India during that year. If he is a British subject or the subject of a State in India or Burma or a native of a tribal area, the income-tax is computed by reference to the average of the rates appropriate to his total world income. The income of other non-resident persons is chargeable at the full company rate. In the case of all non-resident persons supertax is chargeable at the average of the rates appropriate to the total world income. Foreign capital gains are not included in the total world income of non-resident persons.

"12-A. Where the total income of any assessee not being a company includes any income chargeable under the head capital gains, the tax including super-tax payable on his total income shall be income-tax and super-tax payable on his total income as reduced by the amount of capital gain plus income-tax on the amount of capital gain at the rate laid down in section 17(6). A company will, however, pay income-tax on the entire total income inclusive of capital gains at the full company rate but the super-tax otherwise payable would be reduced by an amount computed on its income from capital gains at the rate of super-tax excluding additional super-tax, if any, specified in the case of a company by the annual Finance Act for that year.

A dividend paid without British India is deemed to be income accruing and arising in British India to the extent to which it has been paid out of profits subjected to income-tax in British India."

(f) After Note 17, the following Note shall be inserted, namely:—

"17-A. Part VII Capital Gains:—

(i) The tax is payable by an assessee under the head "capital gains" in respect of profits arising from the sale, exchange or transfer of a capital asset effected after the 31st day of March 1946. Any profits or gains arising from assets transferred coming within the purview of section 16(3) of the Act will also be included in the total income. A capital asset means property of any kind other than agricultural land but does not include stock-in-trade, consumable stores or raw materials held by the assessee for the purposes of his business, profession or vocation or personal effects, that is to say, movable property (including wearing apparel, jewellery and furniture) held for personal use by the assessee or any member of his family dependent on him:

(ii) No tax is payable by an assessee:—

(a) if the amount of capital gains in any previous year does not exceed Rs. 15,000.

(b) if the profit arises from the sale of property the income of which is chargeable under section 9 and the property has been possessed by the assessee or a parent of his for not less than 7 years.

(iii) Compulsory acquisition of assets, or the distribution of assets on the partition of a Hindu undivided family dissolution of a firm or liquidation of a company or under a deed of gift, bequest, will or transfer on irrevocable trust is not treated as sale, exchange or transfer of capital assets for the purposes of ascertaining capital gains.

(iv) Actual Cost:—

(a) where the capital asset is an asset in respect of which the assessee has obtained depreciation allowance in any year, the actual cost of the asset to the assessee is the written down value as defined in section 10 increased or diminished as the case may be by any adjustment made under section 10(2)(vii).

(b) where the capital asset became the property of the assessee before 1st January 1939, he may, on proof of the fair market value thereof on the said date to the satisfaction of the Income-tax Officer substitute for the actual cost such fair market value which is to be reduced by the amount of depreciation, if any, allowed to the assessee and increased or decreased as the case may be by any adjustment under Section 10(2)(vii).

(c) where any capital asset became the property of the assessee in circumstances referred to in (iii) above the actual cost is the actual cost to the previous owner thereof: if the actual cost to the previous owner cannot be ascertained the fair market value at the date on which the capital asset became the property of the previous owner.

(v) If the loss sustained in any previous year is less than Rs. 15,000, it will not be carried forward. If the loss exceeds Rs. 15,000 it is carried forward for six years to be set off against capital gains only."

(5) in the "Form of return of particulars to be furnished under Section 38 of the Indian Income-tax Act, 1922" appended to the Form, the following statement shall be added at the end, namely:—

"(e) (*To be filled in by any dealer, broker or agent or any person concerned in the management of a stock or commodity exchange*). Statement of the names and addresses of all persons to whom the assessee has paid in the previous year:—

(1) any sum or aggregate sums in excess of two thousand rupees where the payment represents "differences" paid in settlement of contracts without actual delivery of stocks or commodities; and

(2) any sum or aggregate sums in excess of ten thousand rupees where the payment represents sale price in connection with the sale, exchange, or transfer of capital assets or on whose behalf or from whom the assessee has received any such sum and particulars of all such payments and receipts.

[The question whether any payments or receipts relate to "Capital assets" is a matter to be decided by the Income-tax Officer. The persons required to make the statement should treat all payments and receipts as pertaining to capital assets.]

(Separate statements should be made for payments and receipts).

S. No.	Name and address of the person to whom the payment was made or on whose behalf or from whom the payment was received	Particulars of the transaction in connection with which the payment was made or received.	Amount paid or received	Date of payment or receipt.	Whether paid or received in cash or by book adjustment
1.					
2.					
3.					
4.					

Date.

Signature.

Address."

No. 6.—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act 1922 (XI of 1922), the Central Board of Revenue directs that with effect from the 10th February 1948 the following further amendments shall be made in the Schedule appended to its Notification No. 32-Income-tax, dated the 9th November 1946, namely:—

In the said Schedule under the sub-head 'VIII—Central Provinces and Berar' for the existing Ranges and the Income-tax Circles the following Ranges and Income-tax Circles shall be substituuted, namely:—

Nagpur:—

1. Special Income-tax CUM Excess Profits Tax Circle, Nagpur.
2. Wardha.
3. Raipur.
4. Nagpur Circle.
5. Salary Circle, Nagpur.
6. Yeotmal.

Akola:—

1. Akola.
2. Khamgaon.
3. Amraoti.

Jubbulpore:—

1. Jubbulpore.
2. Saugor.
3. Khandwa.
4. Chhindwara.

No. 7/D.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), and in partial modification of its notification No. 32-Income-tax, dated the 9th November 1946, the Central Board of Revenue directs that the Appellate Assistant Commissioner of Income-tax, B—Range, Bombay, shall also and the Appellate Assistant Commissioner of Income-tax, F-Range, Bombay shall not perform his functions in respect of the persons specified in column 2 of the Schedule hereto annexed, for the appeals mentioned in the corresponding entry in column 3 thereof:—

Serial No. (1)	Name and address of the assessee. (2)	Appeal No. and assessment year. (3)
1.	Legal heirs of Nagarmal Ramkuvar Dharnidharkar (deceased) by their natural Guardian Mr. Ramkumar Tansukhraj, Bombay.	FAPC—37/1940-41.
2.	Messrs. Shapurji Pallonji & Co., Bombay.	FAPC—45/1941-42
3.	do.	FAPC—46/1941-42
4.	Messrs. Anandilal Podar & Co., Bombay.	FAPC—62/1941-42.
5.	Gordhandas Govindram (H. U. F.)., Bombay.	FAPC—91/1942-43.
6.	Messrs. Bhavarilal Pukhraj, Bombay.	FAPC—112/1942-43
7.	Mr. Pashupatraj Tunsukhraj, Bombay.	FAPC—129/1942-43
8.	Messrs. N. V. Khandwalla & Co., Bombay.	(Remand Report Appeals to Tribunal—1939—40.)

EXCESS PROFITS TAX

New Delhi, the 7th February 1948

No. 8/D.—In pursuance of sub-section (3) of section 3 of the Excess Profits Tax Act, 1940 (XV of 1940), and in partial modification of its notification No. 6-Excess Profits Tax dated the 8th March 1947, the Central Board of Revenue directs that the Appellate Assistant Commissioner of Excess Profits Tax, B-Range, Bombay shall also and the Appellate Assistant Commissioner of Excess Profits Tax, F-Range, Bombay shall not perform his functions in respect of the cases specified in the schedule hereto annexed:—

SCHEDULE

Appeal No.	Chargeable accounting period.	Name and address of the assessee.
FEPT—3	1st September 1939 to 11th November 1939	Legal heirs of Nagarmal Ramkuvar Dharnidharka (Deceased) by their natural guardian Mr. Ramkuvar Tansukhraj, Bombay.
FEPT—25	30th October 1940 to 20th October 1941	Messrs. Bhavarilal Pukeraj, Bomyay.

PYARE LAL, Secy.

MINISTRY OF COMMERCE

REGISTRATION OF ACCOUNTANTS

New Delhi, the 14th February 1948

No. 12-A(3)/47.—With reference to the Notification of the Government of India in the Ministry of Commerce, No. 12-A(1)/47, dated the 29th November 1947, it is hereby notified that in exercise of the powers conferred by rule 16 of the Auditor's Certificates Rules, 1932, the Central Government is pleased to restore to the Register of Accountants the following name, namely:

"1094. Ray, Subodh Chandra, R.A., 21-A., Lansdown Place, Ballygunj, Calcutta"

K.K. CHETTUR, Secy.

MINISTRY OF AGRICULTURE

New Delhi, the 7th February 1948

No. 529-Comm/48.—In pursuance of Bye-Law XII(4) of the Bye-laws of the Indian Central Tobacco Committee, the audited statement of receipts and payments of the Committee for the financial year 1946-47, together with the auditor's report thereon are published for general information.

COPY OF LETTER No. NRP/548, DATED THE 5TH JANUARY 1948 FROM S. B. BILLIMORIA & CO., 113, ESPLANADE ROAD, BOMBAY, TO THE SECRETARY, INDIAN CENTRAL TOBACCO COMMITTEE, BOMBAY.

SUBJECT:—*Accounts* 1946-47.

We have the pleasure in forwarding herewith the Statement of Receipts and Payments of your Committee as at the 31st of March 1947 duly signed by us, incorporating therein figures submitted by Indian Council of Agricultural Research, New Delhi, as per the certified copy of its audited Statement for the accounting year 1946-47.

Cash and Other Balances:—

Investments: Govt. Paper Rs. 23,48,300.

These have been verified with the Safe Custody Receipt of the Reserve Bank of India with which they have been deposited.

Advances: Rs. 37,780-7-3.

Amounts grouped under this head are composed of the following items of Advances which were pending adjustment as at the closing date.

	Rs. A. P.
Amount placed at the disposal of the Agricultural Marketing Adviser to the Government of India, for meeting expditure of the Grading Scheme in 1947-48.	30,000—0—0
Embassy of India in America for purchase of Books ($14,13.53)	4,700—0—0
Superintenent, Tobacco Research Station Guntur, for purchase of Equipments and Implements.	1,098—7—3
Agronomist, C.T.R.S. Rajahmundry for purchase of Ploughs, Markers, Rolling Tops, Seeds, Manure etc.	1,030—0—0
Deputy Controller of Stationery, Calcutta, for supply of Stationery, Forms, etc.	766—4—0
Agronomist, C.T.R.S. Rajahmundry for repairs to Shed.	170—0—0
Agronomist, C.T.R.S. Rajahmundry for purchase of Furniture.	15—12—0
	37,780—7—3

INDIAN CENTRAL TOBACCO COMMITTEE

RECEIPTS AND PAYMENTS ACCOUNT FOR THE PERIOD ENDED 31ST MARCH 1947.

RECEIPTS	Rs. A. P.	Rs. A. P.	EXPENDITURE	Rs. A. P.	Rs. A. P.
Opening Balance as at 1st April, 1946, with Indian Council of Agricultural Research as per their certified copy of the audited statement.		27,62,145 0 4	Administration of the Committee.		1,62,565 0 0
			Improvement of the Agriculture of Tobacco.		2,21,867 0 8
			Development and Improvement of Tobacco and its Products in India.		4,000 0 0
			Improvement in Marketing of Tobacco and its Products.		84,954 11 6
Grant from Government of India for 1946-47, under Department of Education, Health and Land's Resolution No. F. 40-26/44A. dated the 10th April 1945.		10,00,000 0 0	Miscellaneous :—		
			Studentships . . .	4,870 6 0	
			Premium paid on purchase of Investments.	32,902 6 0	
					37,772 12 0
			Cash and Other Balances:—		
Other Receipts :—			3% Government of India Loan, 1970-75, of the face value of Rs. 7,54,100.	7,54,100 0 0	
			3% Government of India Loan, 1966-68, of the face value Rs. 7,00,000.	7,00,000 0 0	
Sale Proceeds of Farm Produce.	6,778 14 4		3% Government of India Loan, 1959-61, of the face value of Rs. 5,00,000.	5,00,000 0 0	
			2½% Government of India Loan, 1948-52, of the face value of Rs. 3,94,200.	3,94,200 0 0	
Suspense Receipts . .	606 4 0			23,48,300 0 0	
			(Market Value of the above securities as on 31st March 1947 was Rs. 23,99,510.)		
	7,385 2 4		National Savings Certificates of the face value of Rs. 20,000.	20,000 0 0	
			Fixed Deposit with Imperial Bank of India, Bombay (since realised).	3,00,000 0 0	
Interest received on Investments.	40,303 10 0		Imperial Bank of India, Bombay Current Account.	3,98,744 10 11	
			Balance with Indian Council of Agricultural Research, New Delhi, as per the certified copy of their audited statement (since received).	1,73,273 9 4	
Less :—Interest paid at the the time of purchase of Government Securities.	18,261 6 6				
		22,042 3 6	Cash with the Agricultural Marketing Adviser to Government of India, New Delhi.	114 2 6	
Carried forward		37,91,572 6 2	Carried forward .	32,40,432 6 9	5,11,159 8 2

RECEIPT 1						EXPENDITURE 2					
	Rs.	A.	P.	Rs.	A. P.		Rs.	A.	P.	Rs.	A. P.
Brought forward .	....			37,91,572	6 2	Brought forward					
						Cash and Other Balances :— (*Continued*).	32,40,432	6	9	5,11,159	8 2
						Imprests :—					
						Secretary, Indian Central Tobacco Committee. Rs. 500					
						Superintendent, Guntur Station for cultivation of additional land. Rs. 500					
						Agronomist, Bidi Tobacco Research Station, Anand. Rs. 500					
						Agronomist, Cigarette Tobacco Research Station, Rajahmundry. Rs. 500					
						Chief Inspector, Guntur, for Tobacco Grading Scheme. Rs. 200	2,200	0	0		
							32,42,632	6	9		
						Advances (to be adjusted) .	37,780	7	3	32,80,412	14 0
Total .	....			37,91,572	6 2	Total .	....			37,91,572	6 2

We have examined the above Statement of Receipts and Payments Account of Indian Central Tobacco Committee with the Books, Vouchers and Certified copy of the audited statement from Indian Council of Agricultural Research, have obtained all the information and explanations which we have required and certify that to the best of our information and explanations received the above Statement is a correct abstract of the figures appearing in the Books and is drawn up in conformity with the Rules and Bye-Laws of Indian Central Tobacco Committee.

S. B. BILLIMORIA & Co.,
Registered Accountants, Auditors.

Bombay, 5th January 1948.

S. M. SRIVASTAVA, Dy. Secy.

New Delhi, the 10th February 1948

No. F.1(17)-EV/47.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 241 and section 247 of the Government of India Act, 1935, as adapted, the Governor General is pleased to direct that the following further amendment shall be made in the Civil Service Regulations, namely:—

In the Schedule to Article 475-A to the entries relating to appointments carrying additional pension, A-Upper Grade, the following entry shall be added, namely:—

"Director of Animal Husbandry in the United Provinces, when held by a member of the India Veterinary Service".

This amendment takes effect from the 24th May, 1944.

V. S. KRISHNASWAMI, Dy. Secy.

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 9th February 1948.

No. F(X)II47/TX17/20-I.—In exercise of the powers conferred by section 4 of the Railways (Local Authorities Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to direct that the following further amendments shall be made in the Notification of the Government of India in the late Railway Department (Railway Board), No. 226, dated the 24th August, 1911, namely:—

In the Schedule annexed to the said notification the entry relating to Kissengange Municipality shall be omitted.

No. F(X)II47/TX17/20/II.—In pursuance of sub-section (1) of Section 3 of the Railways (Local Authorities Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to declare that the Administration of the Oudh Tirhut Railway shall be liable to pay, in aid of the funds of the local authority set out in Column I of the Schedule Annexed hereto, the taxes specified in Column II thereof.

Local Authority I	Taxes II
KISHANGANJ Municipality	Holding and Latrine taxes.

No. P47C/159.—It is hereby notified for general information that the Ministry of Railways (Railway Board), India have sanctioned a Final Location Survey being carried out by the Agency of the E. I. Railway Administration for an alternative alignment between Khairadih and Girjapur *via* Bisrampur, a distance of about 54 miles in connection with Barwadih-Chirmiri (Bijuri) project. The survey will be known as the Khairadih-Girjapur survey of the Barwadih-Chirmiri (Bijuri) Railway project.

S. S. RAMASUBBAN, Secy.

MINISTRY OF TRANSPORT

New Delhi, the 9th February 1948

No. 6-SPC(13)/47.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendments shall be made in the Motor Vehicle Spare Parts Control Order, 1944, as continued in force by sub-section (2) of section 17 of the said Act, namely:—

In the Third Schedule to the said Order,—

A. Against "Bombay", after entry 94, the following entry shall be inserted, namely:—

"95. The Standard Garage, Bombay."

B. Against "United Provinces", after entry 37, the following entry shall be inserted, namely:—

"38. The India Associated Corporation Ltd., Agra Cantt."

C. Against "Delhi", after entry 30, the following entry shall be inserted, namely:—

"31. Standard Automobiles, Delhi."

HAKUMAT RAI, Dy. Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 9th February 1948

No. 1-I(12)/46.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 241 of the Government of India Act, 1935, the Governor General is pleased to make the following rule with effect from the 12th May 1941, namely:—

Rule

The terms and conditions of service of the Government servants of the Railway Inspectorate who were employed under the Railway Department on or before the 12th May 1941, and were transferred from that Department to the administrative control of the Communications Department (now Ministry of Communications) with effect from that date, as also of such Government Inspectors as have subsequently been or may hereafter be recruited from the Indian Railway Service of Engineers, shall, except to the extent covered by specific rules and orders in that behalf, be governed by the same Railway rules and regulations as applied to them before their transfer to the Communications Department (now Ministry of Communications).

POSTS AND TELEGRAPHS

New Delhi, the 14th February 1948

No. T-417/46.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Telegraph Rules 1932, namely:—

In sub-rule (4) of rule 86 of the said Rules, after the word "person" the following shall be inserted, namely:—

"who fails to pay the deposit account bill within two weeks of the date on which it is received or".

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 5th February 1948

No. LR 2(111).—*Corrigendum.*—In para. 4 of the Resolution of the Government of India in the Ministry of Labour, No. LR 2(111), dated the 10th October 1947 published on pages 1149-50 of the *Gazette of India Extraordinary* of the same date, the sentence "For Hingir Rampur Collieries, the Committee recommends a flat rate of 100 per cent of the basic wage" shall be omitted.

New Delhi, the 9th February 1948

No. LW-26(28)/47.—In pursuance of section 6 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), the Central Government is pleased to constitute a Coal Mines Labour Housing Board consisting of the following members, namely:—

1. The Coal Mines Welfare Commissioner, Dhanbad—Chairman.
2. The Chief Inspector of Mines in India, Dhanbad.
3. Mr. S. F. Tarlton.
4. Mr. S. N. Mullick.
5. Mr. D. R. Rathore.
6. Mr. B. P. Sinha.
7. Mr. D. N. Sen.
8. Mr. Chapal Bhattacharji.

New Delhi, the 10th February 1948

No. LW-32(1)/48.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946), read with sub-rule (2) of rule 3 of the Mica Mines Labour Welfare Fund (Bihar and Madras) Rules, 1948, the Central Government is pleased to constitute an Advisory Committee for the Province of Madras, consisting of the following members, namely:—

(1) Mr. S. A. Iyengar, I.C.S., Collector of Nellore, Chairman.

(2) Sri B. Venkatanarayana, Reddi, M.L.A. (Madras), Vice-Chairman.

(3) Sri T. Rama Reddi, President of the District Board, Nellore.

(4) Sri B. Ramchandra Reddy, Buchinreddypalem, Nellore District, to represent the mica mine owners of Madras.

(5) Sri N. Subha Raddy, Gidur, Nellore District, to represent the mica mine owners of Madras.

(6) Sri R. Hanumantha Rao, Gidur, Nellore District, to represent the workmen employed in the mica mines of Madras.

(7) Sri K. V. Narasimha Rao, Gidur, Nellore District, to represent the workmen employed in the mica mines of Madras.

(8) Miss M. L. Mary, Gnaniah Naidu.

S. C. AGGARWAL, Dy. Secy.

New Delhi, the 10th February 1948

No. L.R.1(13).—In pursuance of sub-section (3) of section 22 of the Industrial Disputes Act, 1947 (XIV of 1947), and in supersession of the notification of the Government of India in the late Department of Labour, No. LR.1(13), dated the 4th June 1947, the Central Government is pleased to specify for the purposes of the said subsection the officers mentioned in column 1 of the Schedule hereto annexed for the areas mentioned in the corresponding entries in column 2 of the said Schedule.

SCHEDULE

1. Conciliation Officer (Central), Calcutta.	West Bengal (excluding coo fields) and Orissa.
2. Regional Labour Commissioner (Central), Calcutta.	Assam.
3. Conciliation Officer (Central), Asansol.	Bihar and coal fields in West Bengal.
4. Conciliation Officer (Central), Lucknow.	The United Provinces.
5. Regional Labour Commissioner (Central), Kanpur.	East Punjab, Delhi and Ajmer-Merwara.
6. Conciliation Officer (Central), Bombay.	Bombay.
7. Conciliation Officer (Central), Nagpur.	The Central Provinces and Berar.
8. Conciliation Officer (Central), Poona.	Bombay.
9. Conciliation Officer (Central), Madras.	Madras and Coorg.

H. KHANNA, Dy. Secy

ORDER

New Delhi, the 10th February 1948

No. LR.3(24).—Whereas the following industrial dispute has arisen between Messrs. Sir Lindsay Parkinson (India) Ltd., Bokaro, and their workmen employed in the State Railway Collieries, Bokaro:—

"What portion of the total cash wages paid in October 1947 is to be regarded as constituting basic wages for the purpose of fixation of dearness allowance in accordance with the decisions contained in the Resolution of the Government of India, late Department of Labour, No. LR. 2(103), dated the 12th May 1947?"

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XXIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal at Dhanbad constituted under section 7 of the said Act.

V. K. R. MENON, Joint Secy.

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

DIVISION OF SOUTH ASIAN AFFAIRS
MAY 20 1948
Department of State

DIVISION OF
PROTECTIVE SERVICES
MAR 15 1948.
DEPARTMENT OF STATE

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SHIPPING DIVISION
MAR 18 1948
DEPARTMENT OF STATE

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HDonovan:fv

cc: Consulates General, Bombay, Calcutta, Madras

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PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

DIVISION OF SOUTH ASIAN AFFAIRS
MAY 11 1948
Department of State

AMERICAN EMBASSY

RESTRICTED

No. 427

New Delhi, India, April 27, 1948

Subject: Refusal by GOI to Grant Visa to Special Envoy of the Grand Mufti of Palestine.

DIVISION OF PROTECTIVE SERVICES
MAY 10 1948
DEPARTMENT OF STATE

The Honorable
The Secretary of State,
Washington, D.C.

Sir:

I have the honor to report that the New Delhi Hindustan Times of April 22, 1948 carried a press despatch from Karachi dated April 21 to the effect that the GOI had refused a visa to Saleh Ashmawy, special envoy of the Grand Mufti of Palestine. Saleh Ashmawy was quoted as follows in the same press despatch:

"The Indian High Commissioner in Pakistan has communicated to me his Government's refusal to issue me a visa, 15 days after my application was sent to him. My object to visit India, as stated earlier, is to collect donations from rich Muslims for the Arab cause in Palestine and it is neither political nor propagandist.

"I decided to visit India because the Government there pretended to support our cause, or, Dr. Syud Hussain, India's Ambassador in Egypt, recently told us that the Indian Union would support and help the Arab cause in Palestine."

The press despatch said that it was assumed the reason why Saleh Ashmawy had been refused the visa was his denunciation of the Hindus in connection with the Punjab riots. Saleh Ashmawy is reported to have said "What the Sikhs had done to Muslims in East Punjab, the Jews are bent upon doing in Palestine."

The Embassy has not had an opportunity to make any casual enquiries on the subject, except from Mr. K.P.S. Menon, Secretary, Ministry of External Affairs and Commonwealth Relations, who said that he had arrived in Delhi so recently that he had no knowledge of the incident. A press statement several days later, while not attributed to the GOI, said that Saleh Ashmawy had in fact been refused a visa because of his anti-Indian sentiments. This despatch was obviously Government inspired.

Respectfully yours,

Howard Donovan
Charge d'Affaires a.i.

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HDonovan:asi

To the Department in original and hectograph

Copies to: American Embassy, London, England.
American Embassy, Karachi, Pakistan.
American Embassy, Cairo, Egypt.

845.111/4-2748

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MAY 18 1948

INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

Reply CP/Wmc Clure 7/1/48 DS

file, Bruce

Reply CP/Wmc Clure 7/1/48

CONFIDENTIAL

AIRGRAM

A-557

From: American Embassy
New Delhi, India

DIVISION OF PROTECTIVE SERVICES
MAY 28 1948
DEPARTMENT OF STATE

Date of Mailing: May 20, 1948

Received:
May 27, 1948 11:27 am

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Secretary of State
Washington

A-220, May 17, 1948

With reference to the proposed treaty of friendshi commerce and navigation, an American resident in India written to the Embassy in part as follows: "American citizens along with other foreigners resident in India constantly under police surveillance so that they must ways report to the police even when proceeding from one district to another within the same province". The hop is expressed that relief in this regard will be provide by the proposed treaty under reference.

Paragraph 2(a) of Article I of the draft treaty (subject in paragraph 3 to requirements of public safet etc.) provides that nationals of either Party, in the territories of the other Party, shall be permitted to travel freely. To what extent, if any, might this provision be expected to provide the relief requested?

XR196.7

In this connection, attention is invited to Embassy's despatch No. 170 of February 19, 1948 regarding "Foreigners Order, 1948". It was reported in Embassy's airgram No. 84 of February 27, 1948, that, according to the U.K. High Commissioner's office, the Order, involving movement of foreigners, does not apply to British subjects so long India remains in the Commonwealth. The draft treaty apparently would not preclude discrimination against Amer in this regard in favor of British subjects.

GRADY

JUL 13 1948

[redacted]

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RMCarr/sfc

PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

Copy to American Embassy, Karachi

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

DATE: June 4, 1948.

TO : Le — Mr. Hollis

FROM : PD

SUBJECT :

It is believed that the matter of interpretation of Paragraph 2(a) of Article I of the draft treaty should be considered by your office.

PD:JJScanlan:meo

FILE NO. 711.5-1748

FORM DS-323
7-18-46

OUTGOING AIRGRAM

CLASSIFICATION

Department of State

CONFIDENTIAL

NO. A-100

CONFIDENTIAL

Washington,
July 8, 1948

437

437

AMEMBASSY

NEW DELHI

Reference to Embassy's A-220, May 17, 1948. As Department views treaty permission "to travel ... freely and to reside at places of their choice"(I,2(a)), there is involved no exemption from police supervision when limited to requirements on the basis of which to keep reasonable records. In many countries the requirement of identity cards and of registration with the police is taken as a matter of course and is administered with consideration of the convenience of the resident or traveller. In the treaty with Italy signed February 2, 1948, a provision was inserted during negotiations for the purpose of clarifying this point (I,4): "The provisions of paragraph 1 ("The nationals of either ... Party shall be permitted to enter the territory of the other ... , and ... freely to reside and travel therein") ... shall not be construed to preclude the exercise by either ... Party of reasonable surveillance over the movement and sojourn of aliens ... "

If, however, "police surveillance" is interpreted to include troublesome regulations that interfere with freedom of movement, such as requirement of specific permission to travel from one small jurisdiction to another within India, of more than nominal charges for required papers, and of subjection to delays and waste of time; and is to involve molestation and unusual and unreasonable demands, the Department will take the position that the treaty has been violated. It seems desirable that a clear statement ruling out such interpretation should appear in the minutes of the formal negotiations.

In the treaty of November 4, 1946, with China, this Government, in view of the seemingly probable multiplication of interferences with travel there, obtained a proviso (I,1) that persons enjoying rights of travel and residence "shall not be subject to unreasonable interference

and

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OUTGOING AIRGRAM

CLASSIFICATION

Department of State

CONFIDENTIAL

NO. A-100

CONFIDENTIAL

Washington,
July 8, 1948

NEW DELHI

and that they shall not be required to apply for or carry any travel documents, other than (a) valid passports or (b) other documents of identification issued by the competent authorities of their respective countries." The Department would not expect to insist upon such a provision save for special reasons.

Article I, 2(a) of the draft submitted for negotiation with India stands on its own meaning and is not the subject of a most-favored-nation or national treatment clause. There are substantial reasons for the Department's preference that it remain that way. However, if the Embassy feels very strongly that, in view of treatment accorded the British, or for any other reason, most-favored-nation treatment should be sought, the Department will be glad to consider suggestions on the subject.

MARSHALL

Marshall

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

NO.227

AMERICAN CONSULATE GENERAL

Madras, India, July 29, 1948

DIVISION OF SOUTH ASIAN AFFAIRS

AUG 19 1948

Department of State

UNCLASSIFIED

SUBJECT: Circular dated July 16, 1948, from Consulate General, Madras, India, to American Missionary Organizations and American Business Firms in South India, on visa requirements.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C., 25.

File

DIVISION OF
PROTECTIVE SERVICES
Cancel 8/18/48
AUG 18 1948
DEPARTMENT OF STATE

SIR:

I have the honor to enclose nine copies of the above circular which the Consulate General sent out recently to citizens within its district. This office has been receiving a number of enquiries from citizens regarding the visa requirements for their entry and stay in India. As no up-to-date information was available, one of the officers of the Consulate General approached the local government for authentic information on the subject.

The Deputy Secretary, Home Department, Government of Madras, Madras, who generally grants visas for aliens in South India, has furnished this office with a full account of the visa and residential permit requirements for foreigners entering or residing in India.

As it was thought very essential that every American within the Madras consular district should know what is required of him or her by the local government, the Consulate General prepared the enclosed memorandum from the Deputy Secretary's reply and circularized it among the American citizens in South India.

Respectfully yours,

Robert B. Streeper
American Consul General

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Dist. .....

Enclosure:
9 copies of circular

811.1/320
V.D.Paul:MMG:sj

Original and ozalid to Department
Copy to American Embassy, New Delhi
" American Consulate General, Calcutta
" American Consulate General, Bombay.

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AMERICAN CONSULATE GENERAL

Madras 1, July 16, 1948

To All Secretaries of American Missionary Organizations and
Managers of American Business Firms in South India
and all Americans concerned.

There are given below details of the local requirements of visas and residential permits for the entry and stay of aliens in India. This information is forwarded for your guidance, and the cooperation of all American citizens in complying with the regulations is requested.

In general, it is expected that every alien in India will be in possession of a currently valid visa and a residential permit. It also appears that the visa requirements will make it necessary for every American to be in possession of a currently valid passport.

Several copies of this memorandum are enclosed in order that you may circulate them among the personnel of your organization. If any additional information is required, the Consulate General will attempt to give it, or citizens may communicate direct with the Under Secretary, Home Department, Government of Madras, Fort St. George, Madras.

Visa Requirements for Entry and Stay in India

All aliens desiring to enter India must obtain ordinary or transit visas, as the case may be, from the Indian or British passport control authorities abroad befofe arrival. Under present regulations ordinary visas are granted for a maximum period of one year only. Persons desiring to stay in India for a longer period must have their visas extended before the expiry of the one year initial period. If the period of stay is hot specified in the visa, an alien is normally allowed to stay in India for a maximum period of one year from the date of arrival in India.

It should be noted that many visas were formerly issued showing only the period during which the visitor might enter India and without specifying the period of stay. Where the period of stay in India is referred to, it is clearly specified as such.

Persons who come to India with transit visas will generally be allowed a stay of only 14 days, after which they will have to apply for an extension. Extension of transit visas will ordinarily be granted only in exceptional cases.

Applications for extension of either type of visa should be made direct to the Home Department, Government of Madras.

Period of Validity of Visas

The period of validity of a visa is that mentioned in the visa by the authority granting it and refers to the period during which entry into India may be made. It does not refer to the period of stay in the country. An alien should enter India within the period mentioned, but if he is unable to do so, the validity can be extended up to a maximum period of one year by any Indian or British consular authority.

Over

Requirements for Residential Permits

In addition to a valid visa, every alien arriving in India after August 12, 1943, is required to be in possession of a residential permit for his stay in India. Those who arrived in India after August 12, 1943, and whose period of stay is not specified in the visa will be issued a residential permit for a period of one year only in the first instance.

Such of those aliens who entered India prior to August 12, 1943, and have continuously resided in India from the date of their arrival, are exempted from taking out residential permits.

Application for residential permits should be made to the Registration Officer (police) of the district in which the alien is registered.

Former Residents in India

All aliens who have been formerly resident in India will be treated as new entrants once they leave India on furlough or for visits to other countries and they will have to obtain fresh visas and residential permits when they re-enter.

Additional Restrictions under the Foreigners Act of 1939 as amended:

Aliens arriving in India are subject to the restrictions imposed by the Registration of Foreigners Act of 1939 as amended by the Foreigners Act 1946. In addition to the foregoing, some of the important provisions under this Act are as follows:

1. The competent civil authorities may prohibit an alien from entering or remaining in a prohibited or protected area or may impose on an alien visiting or remaining in such an area such conditions as they may think fit.

2. Every alien staying for a period exceeding three days in any district other than the district in which he is registered is required to notify his arrival to the police. Such a report will not be necessary if the alien is staying at a hotel or boarding house.

3. Every alien should report to the Registration Officer of the district in which he is registered.

a) his current address and every subsequent change of address, including his return to his registered address, if he is likely to be absent from his registered address for a continuous period of one month or more;

b) his new address and the date of the proposed change or departure, if he proposes to change his registered address or to leave India; and

c) within 14 days, any circumstances which in any way affect the accuracy of any of the particulars set out in his Certificate of Registration (Form A, given on arrival).

4. Every alien who is likely to be absent from his registered

address

address for a period exceeding one week shall inform the Registration Officer of the fact. He may submit an itinerary and apply for a travel permit valid for a specified period between specified places or areas. It will then be unnecessary for him to report to the Registration Officer in districts other than that of his registered address.

5. Every alien who is about to depart from India

a) by vessel shall have his Registration Certificate endorsed by the Registration Officer of the district in which he is registered and surrender it so endorsed to the Registration Officer of the district from which he embarks;

b) if by land or air, shall surrender his Registration Certificate to the Registration Officer of the district in which he is registered.

6. Residential permits shall be surrendered to the Registration Officer of the place from which departure from India is made.

Robert B. Streeper
American Consul General

Form 302
(7-2-46)

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

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DEPARTMENT OF STATE

INCOMING TELEGRAM

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DIV. OF FOREIGN ACTIVITY CORRELATION
AUG 20 1948
DEPARTMENT OF STATE

4 to Army
4 to Navy
1 to FBI for
PFC

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Action: FC
Info :
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Control 6751

Rec'd August 20, 1948
6:31 a.m.

PFC telegram to Tokyo repeating Tel. 719 New Delhi

FROM: New Delhi

TO: Secretary of State

NO: 719, August 20

Embassy and consular offices India frequently receive requests from US military personnel Japan for "military clearance" to visit India. Military clearance not required. Persons concerned should apply for visa to High Commissioner for India, Tokyo. Please inform appropriate authorities Japan and Hilda G. Johnson A 713800 8000 EAC detachment APO 343 in reply her telegram August 18.

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FORM DS-322
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Department of State
Washington

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USPOLAD,

TOKYO.

3/2 / 845.111/8-2048

New Delhi tel 719 Aug 20 rptd for appropriate action

Tokyo:

Re Requests U.S military Personnel, Japan to visit India

(Code Room: Please repeat text New Delhi telegram 719, 8/20/48)

Marshall

[redacted]

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

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No. 1129

AMERICAN EMBASSY

UNCLASSIFIED

New Delhi, India, September 28, 1948.

RECEIVED
DEPARTMENT OF STATE
1948 OCT 14 PM 2 06
DC/R BRANCH

Subject: Exemption from Government of India Registration of Foreigners Rules, 1939.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that on June 12, 1948 the Embassy requested the Ministry of External Affairs and Commonwealth Relations of the Government of India to take up with the appropriate authorities the matter of exemption from registration under the Registration of Foreigners Rules, 1939 of American citizens who hold Special Passports. It was pointed out that Special Passports are issued by the United States Government to its officials and that on the basis of reciprocity American Government officials traveling in India should be exempt from registration with the Criminal Investigation Department.

The Ministry of External Affairs and Commonwealth Relations has now informed the Embassy that the Government of India has issued instructions to the appropriate authorities to exempt American citizens who hold Special Passports issued by the Government of the United States or its duly authorized representatives from the necessity of registering on arrival in India under the Registration of Foreigners Rules, 1939.

Respectfully yours,

Howard Donovan
Charge d'Affaires ad interim

File No. 030
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Original and hectograph to Department
Copy to: American Embassy, Karachi
American Consulates General, Bombay, Madras and Calcutta.

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FORM DS-322
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OUTGOING TELEGRAM

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Department of State

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Washington

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439

FEB 2 1949

AMERICAN INTERNATIONAL UNDERWRITERS
CORPORATION, BARR BUILDING,
910 SEVENTEENTH ST. NW.,
WASHINGTON, D.C.
ATTENTION G.M. ROSSE

NX U.S. URGENT TELEGRAM

AMEMBASSY

NEW DELHI

86

FROM COMMERCE:

LOH MING KING, CHINESE DIRECTOR, AMERICAN INTERNATIONAL UNDERWRITERS LTD., HONG KONG, NOW IN INDIA ON ONE MONTH'S VISA ON COMPANY BUSINESS, HAS APPLIED FOR SIX MONTHS EXTENSION VISA. HE IS INTRODUCING NEW ACCOUNTING SYSTEM AND TRAINING LOCAL PERSONNEL CALCUTTA AND BOMBAY BRANCHES IN HANDLING SAME. IT IS UNDERSTOOD GOVERNMENT OF INDIA NOT INCLINED GRANT SPECIAL PRIVILEGES CHINESE. IN VIEW HIS SENIOR POSITION AND EIGHTEEN YEARS ASSOCIATION WITH REPUTABLE PARENT AMERICAN FIRM, AMERICAN INTERNATIONAL UNDERWRITERS CORPORATION, NEW YORK, AND IN VIEW AMERICAN INTERESTS SERVED BY HIS WORK IN INDIA REQUEST YOU INTERCEDE HIS BEHALF INDIAN FOREIGN OFFICE. LOH HOLDS CHINESE PASSPORT NO. 447035-12291, ISSUED FEBRUARY 3,1948 AND VALID UNTIL AUGUST 23,1949. ENTERED INDIA THROUGH CALCUTTA JANUARY 18,1949 ON INDIAN VISA NO. 17782 GRANTED IN HONG KONG JANUARY 11,1949, ISSUED BY BRITISH PASSPORT OFFICE UNDER AUTHORITY INDIAN FOREIGN OFFICE, NEW DELHI TELEGRAM NO.64/181

845.111/2-249 CS/C

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Charge to

OUTGOING TELEGRAM

Department of State

Washington

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-2-

FROM NEW DELHI DECEMBER 25,1948. REGISTERED WITH CALCUTTA POLICE JANUARY 19,1949, NO. 16848. RESIDENTIAL PERMIT JANUARY 19, NO. 1926/D. APPLICATION FOR EXTENSION VISA MADE IN CALCUTTA JANUARY 20,1949.

Acheson

ACHESON

JEROME SACHS
CHIEF, INSURANCE BRANCH
JSACHS/SC
FEBRUARY 2,1949
CLEARED WITH FAYE E. FORBES, TRAVEL BRANCH, OIT.;
AND DUDLEY WITHERS, MIDDLE EAST BRANCH.

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INCOMING AIRGRAM

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AIRGRAM

From: American Embassy,
New Delhi, India.

Date of Mailing: February 16, 1949.

UNCLASSIFIED

Rec'd: Feb 20, 1949, 3:23 pm.

Secretary of State,
Washington, D. C.

A-153, February 16, 1949

Reference Department's telegram No. 86 of February 2, from Commerce.

In reply to the Embassy's note to the Ministry of Home Affairs, that Ministry states in a note dated February 9 that the Government of West Bengal has been authorized to permit Mr. Loh Hong King to stay in India for a further period of six months with effect from February 17.

Mr. Frank L. Drew of American International Underwriters (India) Limited, at Calcutta, who was in Delhi on February 9 was informed by the Embassy in the above sense.

HENDERSON

211
VELLES/vrm

cc: American Consulates General, Bombay and Calcutta

DEPARTMENT OF STATE
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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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845

From: New Delhi, India

Mailing Date: June 25, 1949

Rec'd: July 5, 1949, 2:00 p.m.

DIVISION OF SOUTH ASIAN AFFAIRS

JUL 11 1949

DEPARTMENT OF STATE.

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ACTION: UNCLASSIFIED
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INFO Secretary of State,
DC/R Washington.
SA/M
DC/L A-643, June 24, 1949
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P The New Delhi Statesman on June 23 printed the following item:
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"ENCOURAGING TOURIST TRAFFIC TO KASH

"New Delhi, Wednesday - Every Government official holidaying in Kashmir will henceforth be reimbursed by the Government to the extent of two-thirds the air fare.

"This concession, it is expected, will help to increase tourist traffic to the Kashmir Valley.

"Thus far this holiday concession was confined to officials travelling by rail".

Although this ruling on holiday travel of officials is in itself of small importance, it is interesting that the Government, which is anxious to economize, has extended its holiday subsidies to expensive air travel in the case of Kashmir. This is, of course, a reflection of poor communications between Delhi and Srinagar there being no railroad, the only alternative to air travel being travel by road which takes three days including the difficult climb over the 9,500 foot Pehlhal Pass. However, the ruling, to the extent that it stimulates visits to Kashmir might contribute to (1) improvement of economic conditions in Kashmir and (2) increase of knowledge of and interest in Kashmir on the part of Indian officials generally.

HENDERSON

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CC: Embassy, Karachi; Consulates General, Calcutta, Bombay, Madras

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FORM DS-323
7-18-46

OUTGOING AIRGRAM

CLASSIFICATION

Department of State

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NO._____ Washington,

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AMEMBASSY,

NEW DELHI.

A-243, July 21, 1949

A representative of Westinghouse Electric International Company has inquired if the discussions Ambassador Henderson had with Indian officials (Embassy letter June 20, 1949 to Mr. W. B. Ferguson, Westinghouse Electric Company of India Ltd.) have led to any improvements in the regulations governing the control of movements of American citizens in India.

The Department would appreciate being informed of the current status of this problem in order to be able to respond to this inquiry.

ACHESON

Acheson
(Signed)

845.111/7-2149

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY
New Delhi, India, August 5, 1949

845.111/8-549

RESTRICTED

NO. 666

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AUG 15

SUBJECT: Regulations Governing Control of Movements of American Citizens in India

Westinghouse rep. in DC, Mr. Magalhaes informed by Mr. Sparks so that govt of India can have a review of its regulations.

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D. C.

DIVISION OF SOUTH ASIAN AFFAIRS
SEP 13 1949
DEPARTMENT OF STATE

SIR:

I have the honor to refer to airgram no. 243 of July 21, 1949, in which the Department inquires if the discussions which I have had with Indian officials (Embassy letter June 20, 1949 to Mr. W. B. FERGUSON, Westinghouse Electric Company of India Ltd.) have led to any improvement in the regulations governing the control of movements of American citizens in India.

As a result of representation made to me by Mr. Ferguson of Westinghouse Electric Company and other American citizens traveling in India regarding inconveniences caused them by present regulations governing the control of movements of American citizens in India, I discussed the matter in a personal manner with Sir Girja Shanker BAJPAI, Secretary General of the Ministry of External Affairs, on June 18, 1949. A memorandum of our conversation is
1/ attached hereto as enclosure no. 1.

Following this conversation I wrote a letter to Mr. Ferguson dated June 20, 1949, a copy of which is
2/ attached hereto as enclosure no. 2 and a letter to Mr. Timberlake, American Consul General in Bombay, on the same date, a copy of which is also attached hereto
3/ as enclosure no. 3. I did not wish to give to Mr. Ferguson in writing the substance of my talk with Sir Girja Shanker Bajpai because I have certain doubts regarding his discretion and was concerned lest he make use of this information in a manner which could be embarrassing to Sir Girja and to the Embassy.

It is

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SEP 20 1949

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ACTION COPY

RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

Despatch no. 666, August 5, 1949, from New Delhi.

It is my understanding that a review of the Indian security, customs, and health regulations is now under way, but that it may be several months before any decisions as to changes in them will be made.

I leave to the Department's discretion the nature and method of its reply to the inquiry of the Westinghouse Electric Company.

Respectfully yours,

Loy W. Henderson
American Ambassador

Original (mat) to the Department

Copies to:

Bombay
Calcutta
Madras

Enc: att.

LWHenderson:eph

Enclosure no. 1 to Restricted Despatch no. 666, August 5, 1949, entitled "Regulations Governing Control of Movements of American Citizens in India"

MEMORANDUM OF CONVERSATION

SUBJECT: Inconveniences caused American travelers by Indian police regulations

PARTICIPANTS: Sir Girja Shanker Bajpai, Secretary General, Ministry of External Affairs

DATE: June 18, 1949

During a talk which I had with Sir Girja today on another subject, I told him that several American citizens residing in India had been making complaints to our consular officers and to the Embassy direct regarding the onerous police regulations with which they had to comply while living and traveling in India.

I said that I had been informed that if an American citizen traveled by plane from Bombay to New Delhi he had to submit himself to interrogation on the part of security officers at the Willingdon Airport. The futility of such procedures seemed to be stressed by the fact that if the same American citizen should travel to New Delhi by railway, he would not need to submit to the filling out of questionnaires or to an oral examination on the part of Indian security officials.

Similarly when American citizens stopped at hotels they were compelled to fill out a number of forms for the use of the police. There were other troublesome formalities. Citizens of the members of the Commonwealth were not required to submit to such procedures. Since the majority of the foreigners traveling in India who were not citizens of the Commonwealth were American citizens, a feeling was being created among American nationals that the regulations were aimed primarily at them and that their purpose was to discourage the presence of Americans in India rather than to protect the security of India.

I added that I appreciated the fact that the Government of India had the right, like any other government, to lay down such regulations as it might feel were necessary to assure the security of the country and it was not my intention to question this right. Nevertheless I was wondering if present regulations were not outmoded and if it would not be to the benefit both to India and the United States for them to be revised in such a manner as not to cause American citizens traveling in India so much inconvenience.

Sir Girja

Enclosure no. 1 to Despatch no. 666, August 5, 1949 from New Delhi.

Sir Girja said that he was glad that I had discussed this matter with him so frankly. My statements to him would be of assistance in connection with a review of Indian internal security, customs, and health regulations which he was planning to undertake from the point of view of their international significance. He said that he agreed that the time had come when these regulations, which were a hangover from pre-independence days, should be revised in such a way as to relieve foreigners traveling in India from many inconveniences which they are encountering at the present time.

LWHenderson:eph

Enclosure no. 2 to Restricted Despatch no. 666, August 5, 1949, from New Delhi entitled "Regulations Governing Control of Movements of American Citizens in India".

AMERICAN EMBASSY
New Delhi, India, June 20, 1949

Dear Mr. Ferguson:

With reference to your letter of June 13 on the subject of the control of movements of Americans in India you may be interested in learning that I have found opportunity to have some discussions with regard to this matter with the appropriate Indian officials and suggest that you may care to obtain further information regarding these conversations from the American Consul General in Bombay.

It was a pleasure to see you and Mr. Compton in New Delhi and I hope that you will never hesitate to call or write me with regard to any problems which may arise in connection with which in your opinion the Embassy could be of assistance.

Sincerely yours,

Loy W. Henderson

Mr. W. B. Ferguson,
Westinghouse Electric Company of India, Ltd.,
Caltex House, Ballard Estate, Bombay 1.

CONFIDENTIAL

Enclosure no. 3 to Despatch no. 666, August 5, 1949, from New Delhi, India, entitled "Regulations Governing Control of Movements of American Citizens in India".

AMERICAN EMBASSY
New Delhi, India, June 20, 1949

CONFIDENTIAL

Dear Tim:

Reference is made to your letter of May 31 on the subject of inconveniences caused by Indian police regulations on travel within India of American citizens. You will find attached hereto a memorandum of a conversation which I had today with Sir Girja Bajpai. I was glad to learn from my conversation with him that a review is to be made in the near future of these regulations with the idea of revising them so as to minimize the inconvenience which they impose on American travelers in India.

I am convinced that the Government of India does intend gradually to relax these regulations. Some time may elapse, however, before American citizens will benefit from such revisions of the regulations which may be made.

You may in your discretion inform American citizens that you understand that the matter is being looked into and that it is hoped that in the not too distant future the regulations governing their travel in India will be relaxed. It would be unfortunate however if there should be talk in the American colony or elsewhere to the effect that as a result of representations made by representatives of the American Government in India, the Indian Government was planning to change its regulations governing the movement of foreigners in India since such talk might strengthen the hand of those who like to make it difficult for Americans to move about.

Mr. W. B. Ferguson of Westinghouse Electric Company has written me about this matter. I did not care to give him a written reply since there was a danger that it might fall into the hands of persons who would misuse it. I have suggested to him that he discuss the matter with you. If he calls at your office, you may outline to him what the situation is.

Sincerely yours,

Loy W. Henderson

Enclosure:

Copy of Memorandum of Conversation.

LWHenderson:eph

CONFIDENTIAL

INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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UNA/R Adviser on Refugees and Displaced Persons

NOV 1 File 1949

Office of United Nations

From: American Embassy
New Delhi, India

Date of Telling: October 26, 1949

Rec'd: Oct. 31, 1949 10:14 am

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Secretary of State,
Washington, D.C.

1079, October 21, 1949

In conversation with a member of the Embassy on October 20 Mr. C. S. Jha, Joint Secretary, Ministry of External Affairs, said that in addition to the American consular party from Tihwa there was also a group of 82 refugee officials of the former Sinkiang regime, Turki and Chinese, enroute to Leh. This posed a somewhat awkward problem for the Indian Government and he supposed that the party would have to have some sort of refuge in India for the time being. Instructions had been sent to the Consul General at Kashgar to scrutinize all these persons most carefully before issuing visas to them but unfortunately, due to the fact that coded telegrams via Shanghai to Kashgar were no longer accepted, the instruction failed to arrive in time.

Mr. Jha had not seen the press report of several days ago that the Sinkiang Communist authorities had stopped trade between Ladakh and Sinkiang. He noted that the Pakistan authorities had closed the border into Gilgit from Sinkiang but had heard of no developments on the Ladakh border except that the Indian Government had sent instructions to Leh also to screen most carefully non-Indians coming from Sinkiang. The Indian Government would be very reluctant to stop Indian traders from carrying on their long established trade between Ladakh and the Sinkiang as this trade was of great value both to Ladakh and to Sinkiang.

DULLES

JGParsons/pf

Cc: Bombay, Karachi, Lahore, Calcutta

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845.111/10-2149

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DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE

INCOMING TELEGRAM

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1949 NOV 4 PM 3 59

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Rec'd November 4, 1949
6:15 a.m.

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FROM: New Delhi

TO: Secretary of State

NO: 1358, November 4, 9 a.m.

Iengar, Secretary of Home Ministry told Embassy last night that GOI sent urgent telegram to Indian Embassy, Washington on third to ask if Paul Robeson had got visa and if not to refer any application from him to Delhi for instructions. He said he would be "quite surprised" if he should be given visa to come to India now which may mean that in absence Nehru, Acting Prime Minister Patel who is Iengar's chief might take responsibility barring Robeson from entry. We should not court on GOI to refuse visa, however, as such action when it became known here would cause storm of protest from leftist elements and raise suspicion Nehru had aligned India with US.

DONOVAN

TT:EJF

845.111/11-449

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DECLASSIFIED BY:
David T. Schneider
NEA/INC-10-26-72
FOI-Willie J. Ellison

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Dept of State
Washington, D.C.

Balwant S. Brar ~~MD~~
P.O. Box 422
Yuba City, Calif

Aug 31, 1947

Dear Sir,

I am an American Citizen and am planning to take a trip to India.

On my trip I would like to take along with me my rifle and pistol, therefore I would like to know whether or not I have to ask permission of the Indian Govt.

Will you be kind enough to help me in this and oblige.

Respectfully Yours
Balwant S. Brar

845.113/8-3147

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MUNITIONS DIVISION
9/11/47
SEP 5 1947
DEPARTMENT OF STATE

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SEP 3 1947
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SEP 2, 1947

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SEP 12 1947

In reply refer to
MD

845.113/8-3147

My dear Mr. Brar:

I refer to your letter dated August 31, 1947, relating to a rifle and pistol which you would like to take with you on a trip to India.

If you take these articles with you on your person or in your baggage no license will be required for their exportation from this country. However, such articles may not be taken into India without a permit having been obtained from the government, and it is the general policy of the Indian Government not to issue such permits.

Sincerely yours,

For the Secretary of State:

OSL OF & OAS
Asst.
Ass't.
Ass't.
Dist.

E. T. Cummins
Chief, Munitions Division

CS/V

Mr. Balwant S. Brar,
Post Office Box 422,
Yuba City, California.

SEP 12 1947

MD:GDMartin:cmu 9-11-47

845.113/8-3147

8

21, Franklin Street

Watertown, 72, Mass.

February II, 1948.

Department of International Traffic in Arms,

State Department,

Washington, D.C.

MUNITIONS DIVISION
FEB 13 1948
DEPARTMENT OF STATE

file Arms COM:Pm 3/1/48

Dear Sir,

I am a Civil Engineer sent to this country for higher training by Government of India. I desire to purchase following arms and ammunition in this country and take the same to India as part of my personal baggage. Kindly issue to me the necessary permits and also let me know the regulations for purchase and keeping the arms till the passage for my going home is booked.

(i) One 0.380 Colt Automatic Pistol or Revolver with 500 rounds of ammunition.

(ii) One I2 Bore Shot Gun with I00 Rounds of Ammunition.

Thanking you,

Yours Sincerely,

R.B. Shrikant

Ranbir Singh Shrikant.

845.113/2-1148
CS/V
845.113/2-1148
FILED
APR 16 1948

cat J.P.

A microfilm project of

MAR 4 1948

In reply refer to
MD

845.113/2-1148

My dear Mr. Shrikant:

I refer to your letter dated February 11, 1948 relating to arms and ammunition which you wish to take with you to India. No license issued by the Secretary of State is necessary for the exportation of shotguns and shotgun ammunition.

A license is required for the exportation of .38 caliber pistols and ammunition. However, since you are taking the pistol and not more than 500 rounds of ammunition with you as part of your personal baggage, it will not be necessary for you to obtain an export license.

Sincerely yours,

For the Secretary of State:

E. T. Cummins
Chief, Munitions Division

CR
MAR 2 1948 P M

Mr. Ranbir Singh Shrikant,
21 Franklin Street,
Watertown 72, Massachusetts.

MAR 4 1948

MD:CDMartin:lmv 3/1/48.

SOA

CS/N

845.113/2-1148

CRAWLER CRANES
AND SHOVELS
TRUCK CRANES
BUCKETS

Speederane

FORSYTHE
EQUIPMENT CO., INC.

11 WEST 42ND STREET
NEW YORK 18, N.Y.

TELEPHONE PENNSYLVANIA 6-7554

CONSTRUCTION AND
INDUSTRIAL
EQUIPMENT
RUD-o-MATIC TAGLINES

ASSOCIATED EQUIPMENT DISTRIBUTORS

March 2, 1948

State Department
Washington
D.C.

Gentlemen:

We have been requested by a very responsible client of ours in India to procure for him the necessary data to enable him to build a Small Arms Plant under a licensing agreement with his government in India. However, before spending any effort in this direction, we should like to know if the State Department would sanction the shipping of the necessary machinery to operate such a project.

Thanking you for your attention.

Very truly yours,

FORSYTHE EQUIPMENT CO. INC.

H. R. Forsythe
Vice-Pres.

HRF:mp

Memo to SOA - Mr. Mathews
11/9/48 Rmw:rga.
~~acknowledged 4/7/48 Rmw:rga.~~ not sent.

copy to SOA - Mr. Howe (Memo to him)
3/8/48 Rmw:rga.

845.113/3-248

DEPARTMENT OF STATE
MAR 5 1948

FORM DS-322
7-18-46

INDICATE
Collect
Charge Department X
Charge to

OUTGOING TELEGRAM

CLASSIFICATION

CONFIDENTIAL

Department of State
Washington
CONFIDENTIAL

AMEMBASSY

KARACHI

115

Control 5571

Mar 24, 1948
5 p.m.

NC (Series?) 845f.796/3-348 Secret (VS)

4 XR's

For your info and guidance (EMBTEL 169 Mar 10 and A-62 Mar 3) pertinent excerpt memo approved by President on Mar 12 re export arms to India and Pak follows:

Quote Conclusion reached that in view tense situation prevailing Indian subcontinent result disputes Kashmir and other issues, which each party declared threats international peace, licenses should not be issued for export military material to either India or Pak until situation becomes more clarified, and that comparable policy be adopted re transfer, retransfer and sales military items under OFLC unless evidence produced materials intended for civil or commercial use.

+R 845.24 845f.24

Quote It is not proposed establish formal embargo with publicity such action entails.

Quote Foregoing policy is consistent with attitude taken by this Govt in deliberations on India-Pak question in SC in that US representative has emphasized that disputes between parties should be settled pacific means. Unquote

Intent this decision is that without prejudice long term policy no military material over which DEPT has control

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CR CLEARANCE

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845.113/3-2448

845.113/3-2448

U. S. GOVERNMENT PRINTING OFFICE - 1947 736838

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Charge Department X
Charge to

OUTGOING TELEGRAM

Department of State

Washington

CLASSIFICATION

CONFIDENTIAL
-2-

should be exported to India or Pak, from any source, which will directly change existing effective military potential either Dominion during present period tension, or which can be interpreted as US effort assist either Dominion make war while we at same time take part efforts SC seek peaceful solution disputes.

There is no intent preclude export small quantities sporting weapons, police side arms, etcetera, or of such aircraft, vessels, land vehicles or other material of quasi-military nature clearly intended for civil or commercial purposes.

Applications for export questionable items of latter category will be carefully reviewed for consistency past export pattern and final decision.

Sent Karachi 115 rptd New Delhi 175, London 1032.

MARSHALL

CODE ROOM: Please rpt to New Delhi as 175, London as 1032

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CONFIDENTIAL
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U. S. GOVERNMENT PRINTING OFFICE - 1947 788838

WE C/R

MAY 6 1 1948

April 24, 1948

MUNITIONS DIVISION
ack 5/10/48 Comm
APR 30 1948
file: Com
DEPARTMENT OF STATE

The Commissioner, Munitions Division
Deptt. of State
Washington 25, D.C.

Dear Sir:

I intend to take my 12 g. double barrel shot gun and 22 bore hand gun to my country, India with me. I shall be obliged to know if I am permitted to take these with me as personal baggage. If not and if an export License is necessary, will you kindly let me know if I can get such an export license and send me necessary application forms with instructions?

Very truly yours,

S. N. Gupta
436, Fort Douglas
Salt Lake City. Utah.

Encl. .....
Rec. .....
Cat. ..... RVV .....
Ctd. .....

845.113/4-2448

CS/V

FILED
MAY 14 1948

845.113/4-2448

MAY 11 1948

In reply refer to
MD

My dear Mr. Gupta:

I refer to your letter dated April 24, 1948 relating to a shotgun and a 22 bore handgun which you wish to take to India.

No license is required for the exportation of shotguns. A license is required for the exportation of other arms, .22 caliber or more. However, if the handgun in question comes within this classification, and if you take it with you on your person or in your baggage it will not be necessary for you to obtain an export license.

Sincerely yours,

For the Secretary of State:

E. T. Cummins
Chief, Munitions Division

DOR - CPC L.

Encl. CWB
Rev.
Cat.
Disp.

Mr. S. N. Gupta,
436 Fort Douglas,
Salt Lake City, Utah.

CR LR
MAY 11 1948 P.M

MD:CDMartin:mlm 5/10/48

811.3/4-2448

A microfilm project of

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE

INCOMING TELEGRAM

ACTION COPY

DIVISION OF SOUTH ASIAN AFFAIRS
APR 26 1948
Department of State

telegram drafted 4/28/48 JSSparks/elh

CONFIDENTIAL

Action: NEA
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Control 9187

Rec'd April 26, 1948
11:45 a.m.

FROM: New Delhi

TO: Secretary of State

NO: 327, April 26, 4 p.m.

DEPTEL 175, March 24

Reporter from HINDUSTAN TIMES called Embassy today and showed me following telegram to HINDUSTAN TIMES from its London correspondent dated April 24:

"Official circles here have no comments to make on the report from Peshawar cabled by the DAILY TELEGRAPH correspondent in which he said he understood that the Pakistan Government had been informed by the US State Department that until the Kashmir dispute was settled no more arms or warlike equipment would be supplied to Pakistan or India. All pending contracts have been cancelled."

In absence specific instructions from Department, I considered it inadvisable disclose information contained DEPTEL 175. Reporter said Gunther Stein Washington correspondent HINDUSTAN TIMES had been queried this matter. Stein will probably request information from Department.

In event further inquiries by Delhi press or foreign correspondents, should Embassy disclose information contained DEPTEL 175? If Department considers statement by Embassy necessary draft of such statement would be helpful.

Sent Department

CONFIDENTIAL

845.113/4-2648

FILED
MAY 10 1948
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XR
845J.113

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16—52018-1 U. S. GOVERNMENT PRINTING OFFICE

-2- 327, April 26, 4 p.m., from New Delhi

Sent Department 327, repeated Karachi 83.

Department please repeat London as 62

DONOVAN

SW:ML

NOTE: Repeated to London as 62 April 26, 1948, 2:15 p.m.

CSB

A microfilm project of

FORM DS-323
7-18-46

INDICATE
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Charge to

OUTGOING TELEGRAM

Department of State

Washington

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CONFIDENTIAL

CONFIDENTIAL

Control 6657

April 28, 1948
6 p.m.

AMEMBASSY
NEW DELHI
259

CONFIDENTIAL

845.113/4-2648

Dept appreciates Emb's response press approach as stated URTEL 327 April 26. It is believed statement to press at this time on U/S/ temporary withholding of export licenses for military supplies to India and Pakistan would serve no useful purpose and might well lead to further misunderstanding and undesirable publicity. Stein has not queried Dept and general subject appears quiescent.

845.113/3-2448

Foregoing does not (repeat not) apply inter-governmental understanding. It is important GOI and GOP should clearly comprehend U/S/ policy as stated DEPTELS 175 March 24 and 253 April 27 (sent to Karachi as 115 and 160). If it is Emb's opinion GOI influenced by inaccuracies Hindustan Times report (i. e. no contracts were cancelled and only licenses so far refused outlined DEPTEL 253)

Emb

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CS/N

845.113/4-2648

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OUTGOING TELEGRAM

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CONFIDENTIAL

Department of State

Washington
CONFIDENTIAL

Emb may wish informally explain exact U/ S/ position and justification to appropriate officials stressing point decision is without prejudice long term policy, based solely on existing situation, and subject review as inter-Dominion problems amicably solved.

Sent New Delhi. Repeated Karachi 162 and London 1521.

Marshall

(JS)

MARSHALL

1948 APR 28 PM 9 21

ACCEPTANCE DESK

DCT

SOA:JSSparks:mk;clh
4/28/48

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APR 28 1948

U. S. GOVERNMENT PRINTING OFFICE - 1947 736835

INCOMING AIRGRAM

Miss Bodman

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

AIRGRAM

CONFIDENTIAL

From: American Embassy
New Delhi, India

2541

Dated: May 6, 1948

Rec'd:

Secretary of State,

May 14, 1948 8:32 am

DIVISION OF SOUTH ASIAN AFFAIRS
MAY 14 1948
Department of State

Washington, D. C.

A-168, May 5, 1948

Deptel 259, April 28, 1948

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The Embassy agrees fully with Department that statement to press at this time on US policy of temporary withholding of export licenses for military supplies to India and Pakistan would serve no useful purpose and might well lead to further misunderstanding and undesirable publicity. Embassy also believes it inadvisable to raise question with GOI. However, if GOI mentions matter Embassy will explain US policy as stated Deptels 175, March 24 and 253, April 27.

Embassy has heard nothing further from Hindustan Times and has seen nothing in local press on this matter. Therefore Embassy will avoid any action on the matter unless press or GOI raise some question.

DONOVAN

HDonovan:fv

Copy to: Embassy, London
Embassy, Karachi

845.113/5-548

HH

FILED
MAY 20 1948

PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

CONFIDENTIAL

AIRGRAM

DC/R

308

FROM: American Embassy
New Delhi, India

Date of Mailing: June 28, 1948

Rec'd.: July 5, 1948
1:40 P.M.

DIVISION OF SOUTH ASIAN AFFAIRS
JUL 6 - 1948
Department of State

CONFIDENTIAL

DF
ACTION: NEA
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SECRETARY OF STATE,

WASHINGTON.

A-325, June 28, 1948.

The Delhi Indian News Chronicle of June 24th carried the following despatch under a New Delhi date line:

"The London report of gun-running by air between Pakistan and Hyderabad corroborates but does not amplify reports that have been current in Delhi for some time. It was known that Bidar, an old war-time RAF air base, some 50 miles west of Hyderabad, was being used, but whether Mauripur near Karachi is the spot from which the planes engaged in this traffic take off for Hyderabad is doubtful. It is considered unlikely that such a well-known and easily discoverable spot will be utilised for such a secret purpose. Any of the other air strips made in Sind during the war is more likely to be used.

"These pirate planes take off towards dusk, fly over Indian territory during the night and reach Hyderabad in the morning. The reverse flight is probably also carried out under cover of darkness. It is thought that four-engined Halifaxes are being used, but they may or may not belong to Pakistan. The markings on them would not be sufficient to identify them or establish their origin or ownership. They may be faked."

General Bucher told me several days ago that there was no doubt some arms had been transported to Hyderabad by air from Pakistan. He mentioned that four-engined Halifax planes, capable of carrying six thousand pounds, had been used. Mr. Josslyn Hennessy, British newspaper correspondent in Delhi, told me the story several days ago and said that he had received his information from a reliable source. On June 26th Hennessy told me that there was no doubt of the truth of this report.

CONFIDENTIAL

FILED
JUL 12 1948

845.00/6-2848

A microfilm project of

It is doubtful, however, whether sufficient quantities of arms and ammunition can be transported into Hyderabad in this manner to have any effect on the military situation.

DONOVAN

File No. 800

WDonovan:jly

Copy to: American Embassies, London and Karachi.
American Consulate General, Bombay, India.
American Consulate General, Calcutta, India.
American Consulate General, Madras, India.

AIRGRAM

FROM EMB 175
LONDON
DATE JUNE 29, 1948
RECD July 2, 11:38 a.m.

UNCLASSIFIED

2

Secretary of State,

DE

Washington.

ACTION NEA
INFO:
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A-1343

Subject: London TIMES Reports on Illicit Arms Shipments into Hyderabad.

The following news item appeared in THE TIMES, London, for June 24, 1948:

ALLEGED GUN-RUNNING INTO HYDERABAD

MYSTERIOUS AIRCRAFT

From Our Own Correspondent

Delhi, June 23

"The Indian Union authorities are exercised about the mysterious comings and goings of a transport aircraft--or perhaps more than one--believed to be flying between Pakistan and Hyderabad State, and said to be engaged in gun-running.

"Officials here assert that they have evidence that this aircraft takes off from a strip somewhere in the Sind Desert and flies by night over Indian territory, arriving in Hyderabad at about daybreak. Intelligence reports from Hyderabad indicate that it lands at Bidar, some 50 miles west of Hyderabad city, where there is a large airfield which was built as an R.A.F. base during the war.

"Observers who have seen the aircraft report that it is a four-engined aircraft resembling a Halifax, but that its markings have not yet been noted. It is understood that Royal Indian Air Force fighters recently made efforts to intercept and force down the mysterious aircraft, but have not yet succeeded. While nothing can be proved about the nature of its activities, officials here are convinced that it is engaged in supplying arms and ammunition to the Hyderabad State forces, and it is suggested that these supplies may come either from Pakistan of from an Arab country in the Middle East."

GLJones/el cc: Karachi DOUGLAS cc: New Delhi

845.1136/6-2948

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JUL 9 1948

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

FROM
LONDON 2112
DATED JULY 12,1948
REC'D July 16, 8:38 a.m.

2 CLASSIFIED

Secretary of State

Washington

A- 1409

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ACTION:EUR
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Subject: House of Commons Statement on Arms Traffic to Hyderabad.

In answer to a question as to steps being taken to prevent British subjects from the United Kingdom, or United Kingdom aircraft, from taking part in illicit traffic in arms into Hyderabad, Mr. Philip Noel-Baker, Secretary of State for Commonwealth Relations made the following statement in the House of Commons on July 8,1948:

"The Government of India have told us that they have reason to believe that arms are being smuggled by air over Indian Territory into Hyderabad. They believe that aircraft registered in the United Kingdom, manned by United Kingdom personnel and supplied by a United Kingdom company, are engaged in the traffic. Such traffic would be a violation of an Indian regulation. This regulation requires all aircraft which fly over Indian territory to land for customs examination at specified Indian airfields. Such traffic would also contravene provisions of the Chicago Convention, and of the United Kingdom Air Navigation (Consolidation) Order.

In response to the representations of the Indian Government I have caused urgent inquiries to be made. I need hardly say that the Government strongly disapprove of the smuggling of arms, and that they will take anyaction in their power against persons found to have engaged in it. They are satisfied that no such arms or ammunition have been carried by air from this country. They will continue to do everything they can to ensure that no illicit export of arms or ammunition shall occur."

DOUGLAS

cc American Embassies, Karachi, New Delhi

GLJones/afFowler/aff

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UNCLASSIFIED

845.113/7-1248

FILED JUL 21 1948 HH

UNITARIAN DIVISION
OCT 2[illegible] 1948
DEPARTMENT OF STATE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

ACTION
is assigned to

AMERICAN EMBASSY

New Delhi 5, India, September 27, 1948.

UNCLASSIFIED

No. 1126

SUBJECT: GOI Notification of Requirement of Licences for Arms and Ammunition.

DIVISION OF SOUTH ASIAN AFFAIRS
OCT 14 1948
Department of State

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON, D.C.

SIR:

I have the honor to enclose a copy of Government of India Notification dated August 12, 1948 issued by the Ministry of Home Affairs which revokes provisions of the Indian Arms Rules, 1924 for the exemption of certain officials from the licencing requirements for arms and ammunition. Under the Indian Arms Rules 1924, as amended effective October 1, 1948, the heads of foreign and commonwealth missions and their staffs and foreign consular officers and their staffs are required to obtain licences from the local authorities for arms and ammunition whether in official custody or privately owned. In its transmitting note, the Ministry of External Affairs and Commonwealth Relations has stated, however, that such licences will be issued free of charge to the officials concerned.

Respectfully yours,

Howard Donovan
Charge d'Affaires ad interim

RECEIVED
DEPARTMENT OF STATE
1948 OCT 8 PM 3 37
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FACILITIES BRANCH

Enclosure:

Copy of Government of India Notification, August 12, 1948.

811.3
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Original and ozalid to Department

Copy to: Consulate General, Bombay
Consulate General, Calcutta
Consulate General, Madras

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845.113/9-2748

Enclosure to despatch no. 1126 dated September 27, 1948 from Howard Donovan, Charge d'Affaires ad interim, American Embassy, New Delhi, India, entitled: "GOI Notification of Requirement of Licences for Arms and Ammunition".

Copy of Notification No. 15/108/47-Police dated 12th August 1948 from the Ministry of Home Affairs, Government of India.

.....

In exercise of the powers conferred by sections 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Arms Rules, 1924, namely:-

I. In the Table set out in Schedule I to the said Rules, items 1(e),3(A),3(B),3(C),3(d) and 4 shall be omitted with effect from the 1st October 1948.

II. In the Table set forth in Schedule VII to the said Rules:

(i) Item (10) shall be omitted;

(ii) after item 11 the following item shall be inserted, namely:-

"(12)(a) Heads of Foreign and Commonwealth Missions and their Staff; and	Such arms and ammunition as
(b) Consular officers and Consular Agents and their staff	may be owned official and/or privately from the date of
provided they are nationals of the country represented.	appointment in India".

DCP Peterson/Ramsey
ACTION is assigned to MD
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No reply req. LNP. 5/10/49 DT

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

RESTRICTED

New Delhi 5, India, November 2, 1948.

No. 1240

SUBJECT: Allegation that American Citizens were Involved in the Gunrunning Activities of Mr. Sydney Cotton.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C.

SIR:

I have the honor to enclose a copy of an article from the Hindustan Times of October 2, 1948 which alleges that some of the persons who clandestinely flew arms and ammunitions into Hyderabad were American citizens. The evidence of this allegation cited in the article is that some of the crew of Mr. Sydney COTTON listed their nationality as "U.S. Citizens" on the hotel registers in Hyderabad.

When this report appeared the Embassy asked the American Embassy in Karachi if it possessed any evidence that American citizens were involved with Mr. Cotton. A copy of the reply of the Embassy at Karachi is enclosed. The Department will observe that the Embassy at Karachi does not know of any Americans employed by Mr. Cotton in connection with his gun-running activities.

Respectfully yours,

Howard Donovan
Charge d'Affaires ad interim

Enclosures:

RESTRICTED

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845.113/11-248

Despatch no. 1240
November 2, 1948
American Embassy
New Delhi, India. - 2 -

Enclosures:

1. Copy of an article entitled: "Cotton Smuggled 100 Tons of Arms" from Hindustan Times, October 2, 1948.

2. Copy of letter dated October 19, 1948 from American Embassy, Karachi, Pakistan.

800

JJefferson Jones, III:pkn

Original and hectograph to Department.

Copies to: Embassy, London
Embassy, Karachi
Consulate General, Bombay
Consulate General, Calcutta
Consulate General, Madras

Enclosure No. 1 to despatch no. 1240 dated November 2, 1948 from Howard Donovan, Charge d'Affaires ad interim, American Embassy, New Delhi, India, entitled: "Allegation that American Citizens were Involved in the Gunrunning Activities of Mr. Sydney Cotton".

HINDUSTAN TIMES October 2, 1948

COTTON SMUGGLED 100 TONS OF ARMS

LIGHT ON "MERCY" FLIGHTS

HYDERABAD (Deccan), Oct. 1.- Sydney Cotton, the Australian pilot and gunrunner who catapulated himself into the headlines several weeks ago by his so-called "mercy flights" to Hyderabad, made more than 200 trips to Hyderabad and smuggled more than 100 tons of arms and ammunition for the Hyderabad Army and the Razakars, it is learnt here.

Sydney Cotton, who had made his headquarters in the Pakistan capital, is understood to have had four Lancaster planes and a total crew of about 30 British, American and Continental pilots and navigators on the job. His crew are reported to have been among the best paid airmen in the world - receiving on an average nearly Rs. 2,000 for an hour of flight.

Their signatures, which are to be seen in the registers of some of the best hotels in Hyderabad and Secunderabad, have been attracting much attention and provide a good indication of the frequency of their visits to the State. While they may have made use of fictitious names - they usually gave their place of origin and their destination as Bombay or Madras - they made no secret of their profession which they gave in hotel registers as aviation or air-crew, or of their nationalities which they gave as "Polish," "U.S. Citizens," and so forth.

A microfilm project of

Enclosure No.2 to despatch No. 1240 dated November 2, 1948 from Howard Donovan, Charge d'Affaires ad interim, American Embassy, New Delhi, India, entitled: "Allegation that American Citizens were Involved in the Gunrunning Activities of Mr. Sydney Cotton".

COPY

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

October 19, 1948, Karachi, Pakistan.

UNCLASSIFIED

Howard Donovan, Esquire,
Charge d'Affaires, a.i.,
American Embassy,
New Delhi.

Sir:

Reference is made to your letter of October 4 enclosing a copy of an article appearing in the HINDUSTAN TIMES, of October 2, 1948 containing the statement that American pilots and navigators had been employed by Mr. Sidney COTTON in flying arms shipments to Hyderabad State.

The Embassy does not know of any American citizens who were engaged in such activities. However, various members of the Embassy staff were acquainted with an individual whose name as far as can be determined is "Jim Norton" who was seen about the English speaking community in Karachi and was known to be one of Cotton's pilots. Norton stated that he was an American citizen by birth but that he had relinquished his American citizenship and was now a British national.

Known also to members of the Embassy staff was another individual named "Ricky" Hendrix. Until recently Hendrix was a pilot for Pak Airways, before which he is believed to have been in the employ of Cotton. Within the last few days, however, Hendrix has reputedly lost his job with Pak Air and returned to England. He described himself as of Polish birth, having assumed an Anglo-Saxon name upon deciding to attempt obtaining British citizenship.

If these persons have made flights to Hyderabad and listed their original nationalities on hotel registers a possible explanation would be provided for the statements in the last paragraph of the news report referred to.

Very truly yours,

Sd/- Charles W. Lewis, Jr.,
Charge d'Affaires, a. i.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

ACTION
is assigned to
MD

UNCLASSIFIED

AMERICAN EMBASSY

No. 1375

New Delhi, India, December 22, 1948

SUBJECT: Restrictions on Imports of Fire-arms and Ammunition into India.

MUNITIONS DIVISION
JAN 10 1949
DEPARTMENT OF STATE

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON, D.C.

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No action nec

SIR:

I have the honor to enclose a copy of a note from the Ministry of External Affairs and Commonwealth Relations addressed to all heads of foreign missions in India under date of December 17, 1948, stating that under the Indian Arms Act, licenses cannot be granted for the import of certain categories of arms and ammunition. Licenses for arms and ammunition, other than those listed in the enclosed note, can be obtained from the Chief Controller of Imports, New Delhi, although no licenses are being granted for the commercial importation of these items from hard-currency countries.

The information contained in this despatch will be of interest to sportsmen and scientific expeditions contemplating visits to India.

Respectfully yours,

For the Ambassador:

Howard Donovan
Counselor of Embassy

Enclosure:

Copy of a note from the Ministry of External Affairs and Commonwealth Relations, dated December 17, 1948.

811.3
HDonovan:asi

To the Department in original and hectograph.

Copies to: American Consulates General, Bombay, Calcutta, Madras and Lahore (Pakistan).
American Embassy, Karachi (Pakistan).

UNCLASSIFIED

845.113/12-2248

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Enclosure to Despatch No.1375, December 22, 1948, from Loy W. Henderson, American Ambassador, American Embassy, New Delhi, entitled: "Restrictions on Imports of Fire-arms and Ammunition into India".

No.F.3(7)-G.II/48

Ministry of External Affairs
and Commonwealth Relations,
New Delhi 3,

The 17th December, 1948

The Minister for External Affairs and Commonwealth Relations presents his compliments to their Excellencies the Heads of Missions and has the honour to say that according to the rules made under the Indian Arms Act, a licence cannot be granted for the import of following categories of arms:-

1. rifles of .303 bore.
2. rifles of .450 bore
3. rifles of 8 m.m. calibre.
4. muskets of .410 bore
5. rifles of .315 bore
6. pistols or revolvers of .441 or .455 or any intermediate bore.
7. pistols or revolvers of .38 bore
8. pistols or revolvers of 9 m.m. calibre.

The same rule applies to the import of ammunition which can be fired from weapons of the bores mentioned above; rifles revolvers and pistols of any other bores which contain components capable of being used in the arms mentioned above; and appliances the object of which is the silencing of fire-arms. As for rifles and parts thereof which have not been specified above previous sanction of the Central Government is necessary before they can be imported into India.

2. In view of the position as explained above, it will be appreciated if members of the diplomatic corps do not import arms and ammunition which come within the categories indicated in para 1 above.

3. In the case of arms and ammunition not mentioned above a licence can be obtained from licencing authorities concerned, on application. When a licence for possession of an arm in India already exists a traveller will find no difficulty on arriving at a port in India, as on production of the licence before the Customs authorities the weapons can at once be cleared. Where, however, such a licence does not already exist and a person's final destination in India is not the port of disembarkation, a licence covering temporary possession during the period of the journey from the port of disembarkation to the place of destination can be obtained on payment of Rupee one per weapon from the Commissioner of Police or District Magistrate at the port of arrival. This will enable an individual to take his weapons with him on his journey up-country but on arrival at his destination he must take out a regular licence in the ordinary way. In order to avoid any difficulties arising from lack of time etc. it is advisable for a person to instruct his agent in advance to obtain the licence on his behalf to cover the weapon he is bringing with him. For this purpose it is necessary to give the description of the weapon to the agent.

To

All Heads of Foreign Missions in India.

A microfilm project o

Syed Mohiyuddeen, B.Sc., B.V.Sc., G.M.V.C.
Department of Veterinary Pathology
Ohio State University
Columbus, Ohio

MUNITIONS DIVISION
NOV 28 1949
DEPARTMENT OF STATE

The Secretary
Department of States
Washington, D. C.

Dear Sir:

I am a graduate student from India studying at The Ohio State University, Columbus, Ohio. I am completing my studies leading towards a Ph.D. degree and am returning to India next month.

Hunting is my favorite hobby and I wish to take a long barrel shot gun with me for my personal use in India during hunting season. I have received a letter from the police commissioner, Bombay, India, stating that I can take the gun along with my luggage and a license will be issued to me at the Bombay harbor as soon as I land there. The Customs office at Columbus directed me to write to you in this matter; therefore, I request you to permit me to take my long barrel shot gun along with my luggage. Since I am leaving Columbus, Ohio, on 18th December '49 to board on ship from New York, I will be highly grateful if you send me early the necessary permit to carry my shot gun with me so that I may not have any difficulty with the customs officer at the port of embarkation.

A self-addressed envelope is enclosed here and early reply before 18th of December '49 will be highly appreciated.

Yours sincerely,

Syed Mohiyuddeen

(Syed Mohiyuddeen)

230182

Action Assigned to Martin/Stuart
Action Taken
letter
Date of Action 12/5
Action Office Symbol CSI
Name of Officer Martin
Signature Dale

CS/H

845.113/11-2849

DEC 6 1949

In reply refer to
MD

My dear Mr. Mohiyuddeen:

I refer to your recent letter relating to a shotgun which you wish to take with you on your return to India.

The exportation of shotguns is not subject to the licensing requirements of the Department, but it is subject to those of the Office of International Trade, Department of Commerce, Washington, D. C. Information concerning applicable regulations may be obtained from the Field Office, Department of Commerce, 1204 Federal Reserve Bank Bldg., 105 West Fourth Street, Cincinnati 2, Ohio.

Sincerely yours,

For the Secretary of State:

Minard Hamilton
Assistant Chief, Munitions Division

Mr. Syed Mohiyuddeen, B.Sc., B.V.Sc., G.M.V.C.,
Department of Veterinary Pathology,
Ohio State University,
Columbus, Ohio.

DEC 6 1949 P.M.

MDM:MHM:CDMartin:bf
12/5/49

Dept - GP-C Com
Asst. ....
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A true copy of the signed original

845.113/11-2849
CS/H

Form No. 192
FOREIGN SERVICE
(Corrected July 1942)

PRELIMINARY REPORT

AMERICAN FOREIGN SERVICE

REPORT OF THE PRESUMPTIVE DEATH OF AN AMERICAN CITIZEN

Consult Sections XIII–7 and XIII–8 and Notes of the Foreign Service Regulations

REPORTED MISSING - BELIEVED DEAD

Calcutta, Bengal, India, arch 19, 1945
(Place and date)

Name in full William Dean WARREN Jr Occupation Airplane Pilot

Native or naturalized Native Last known address

in the United States Star Route, Box 11, Mineral Wells, Texas

Date of presumptive death January 6 1945 Age 30
(Month) (Day) (Hour) (Minute) (Year) (As nearly as can be ascertained)

Place of presumptive death Between Kunming, Yunnan, China and Dinjan, Assam, India
(Number and street) or (Hospital or hotel) (City) (Country)

Cause of presumptive death The China National Aviation Corporation, employing firm, reports Mr. Warren, Jr. missing on routine flight.
(Include authority for statement)

Disposition of the remains not recovered
Corporation's report would indicate that Mr. Warren Jr. missing in China or Burma)

Local law as to disinterring remains ---

Disposition of the effects In custody of China National Aviation Corporation

Person or official responsible for custody of effects and accounting therefor as above

Informed by telegram: (by China National Aviation Corporation)

NAME	ADDRESS	RELATIONSHIP	DATE SENT
Pan American Airways	New York, New York	--	January 9, 1945

Copy of this report sent to:

NAME	ADDRESS	RELATIONSHIP	DATE SENT
Mrs. W. D. Warren Sr.,	Star Route, Box 11, Mineral Wells, Texas	Mother	March 19, 1945

Traveling or residing abroad with relatives or friends as follows:

NAME	ADDRESS	RELATIONSHIP
---	---	---

Other known relatives (not given above):

NAME	ADDRESS	RELATIONSHIP
Mr. R. D. Warren	Star Route, Box 11, Mineral Wells Texas	Not known

This information and data concerning an inventory of the effects, accounts, etc., have been placed under File 330 in the correspondence of this office.

Remarks: The China National Aviation Corporation, Calcutta, reports that on January 6, 1945, Mr. Warren, Pilot of plane no. 77, left Kunming, Yunnan, China for Dinjan, Assam, India at 04.35 GMT. His last radio contact was made at 07.54 GMT. Search by the U.S.Army and the China National Aviation Corporation failed to reveal any trace of the plane. (Continue on reverse if necessary.)

(CONTINUED ON REVERSE)

Signed. K. J. Yearns

(Signature on *all* copies)

[SEAL]

No fee prescribed.

Consul of the United States of America.

(To be sent *in triplicate* to the Department of State; or to be forwarded *in quadruplicate* when decedent is an American-citizen seaman, a beneficiary of or an insured by the Veterans Administration, or an officer or employee of the United States Government other than of the War or Navy Departments.)

U. S. GOVERNMENT PRINTING OFFICE 16—10600-1

845.113 Warren, William Dean/1

REMARKS (Continued)

Mr. Warren was the bearer of passport no 795739 (U32747) issued by the Department of State, Washington, D.C., on April 12, 1944. Passport was probably carried by Mr. Warren at the time of his disappearance.

While it is not known exactly where the accident occured which resulted in Mr. Warren being reported missing, the laws of India governing the length of time which must elapse from the date the person is reported missing before legal presumption of death arises is set forth in aletter from the office of the Administrator General and Official Trustee of Bengal, Calcutta, India, dated May 3, 1943, which reads in part as follows:

"..... Section 107 of the Indian Evidence Act (Act 1 of 1872 as amended by Act Act XVIII of 1872)..... lays down that when the question is whether a man is alive or dead and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it. The next section proves as follows:

"Provided that when the question is whether a man is alive or dead and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive , the burden of proving that he is alive is shifted to the person who affirms it. An order for presumption of death of a missing person can only be made by a court of competent jurisdiction on a proper application being made by a person interested in his or her affairs. Before an application can be made to the court, necessary enquiries should be made about the missing individual from persons who would naturally have heard of him, proper advertisements will also have to be made in leading news-papers circulating in the places where he or she was last heard of and other possible evidence regarding the movements and whereabouts of the individual concerned will have to be gathered. A few cases of presumption of death of missing beneficiaries have arisen in this office. In each of these cases the High Court made the order of presumption of death when it was satified that all possible enquiries and investigation have been made about the missing person."

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NO. 31

AMERICAN CONSULATE GENERAL

Bombay, India, March 12, 1947

UNCLASSIFIED

SUBJECT: Prohibition in Bombay: Government Warning Regarding Hoarding of Foreign Liquor.

1—1055

DIVISION OF MIDDLE EASTERN AND INDIAN AFFAIRS
APR 1 1947
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to Bombay's Voluntary Report no. 4 of January 16, 1947 entitled "Prohibition Plan for Bombay" and to enclose the text of a letter to the Times of India of February 15, 1947 by an American citizen and an article from the Times of India of March 11, 1947 entitled "Foreign Liquor Hoarding".

In the Times of India of February 15, 1947 there appeared a letter to the editor by William T. AMES who, according to this letter, is an American citizen of many years residence in India. He is not registered at the Consulate General. In the letter Mr. Ames apologizes for offering any views upon Government policy since he is a foreigner. He then proceeds to denounce prohibition as a disaster which should be avoided in India if possible. He states that "there is not a worth-while politician in America nor an honest citizen who will not agree that prohibition was the greatest disaster that ever happened in America, even including the Civil War. The same will happen here." He then cites the experience of the city of Glasgow with the problem of drunkenness and points out that the situation was vastly improved by curtailing the drinking hours and improving the quality of the liquor.

In the Times of India of March 11, there appeared an article entitled "Foreign Liquor Hoarding". According to this article the Director of Publicity, Bombay, has stated that it has come to the attention of the Government of Bombay that some persons have begun to hoard foreign liquor for personal consumption or other purposes after April 1, 1947 when the four-year prohibition program comes into force. The Government

DEPARTMENT OF STATE
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DIVISION OF

UNCLASSIFIED

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Government has already imposed a restriction on the limit of retail sale of foreign liquor, in accordance with the prohibition program, to six bottles of spirits, three bottles of wine and twelve bottles of beer. The Government also intends to impose a restriction on the limit of possession of foreign liquor effective April 1, 1947. This limit is to be same as the limit on retail sale of foreign liquor already imposed. Hoarding is to be forbidden.

Respectfully yours,

John J. Macdonald
John J. Macdonald
American Consul General

Enclosures:

1. Copy of letter in Times of India dated February 15,1947

2. Article from Times of India dated March 11, 1947, in quintuplicate

811.4
J.V. MARTIN, JR.:dmb:os

Original and hectograph to Department

Copies to:

American Embassy, London
American Embassy, New Delhi

UNCLASSIFIED

AIR MAIL

Enclosure no. 1 to despatch no. 31 of March 12, 1947 from John J. Macdonald, American Consul General, Bombay, India, entitled "Prohibition in Bombay: Government Warning Regarding Hoarding of Foreign Liquor.

Copy - os

TIMES OF INDIA

February 15, 1947

PROHIBITION

To The Editor, "Times of India".

Sir. — Being an American and therefore a foreigner in India where I have now lived many years, I have always kept clear of politics and policies; indeed I regard it almost as an impertinence for any foreigner to express his views on the actions of a Government of a country whose hospitality he is accepting.

When, however, a person sees a country running headlong into disaster, a country to which one is greatly attached, I think it his duty to speak out.

I wondered how long it would be before somebody challenged Mr. M. L. Patil, Bombay Excise Minister, on his deliberate misleading statements before the Progressive Group a few days ago.

I welcomed the letter from "Always Sober" in your issue today.

It is a peculiar fact that before Prohibition was introduced into America, those people sponsoring it made exactly the same misleading statements as Mr. Patil is guilty of doing. In his position as Excise Minister, Mr. Patil must know his figures and when anyone with that inside knowledge deliberately misrepresents the facts it shows clearly that he knows at heart his whole case is unsound from top to bottom.

There is not a worth-while politician in America nor an honest citizen who will not agree that Prohibition was the greatest disaster that ever happened in America, even including the Civil War. The same will heppen here.

If some

AIR MAIL

If some form of Prohibition is thought necessary, and I do not for a moment say that it is not necessary, then I would respectfully draw the attention of responsible Ministers to what happened in Scotland prior to the 1914 war.

If ever there was a drunken cesspool of a City it was the City of Glasgow at that time. Night after night men, women and even small children could be seen lying dead drunk on the pavements, the streets and the gutters. This is no exaggeration.

Mr. Lloyd-George and others decided that it had to stop but they very wisely realised that total Prohibition would only make matters worse. They brought in two things. Better quality of drink and curtailment of drinking hours. The improvement was most marked even from the very start and it still carries on with the result that one rarely sees a drunk in that City today.

That is an example of wise and sound legislation as opposed to the hairbrained attempt at total Prohibition which was attempted in my country and into which same error, based on known misleading statements by leading Ministers, this country, India, stands in grave risk of falling.

WILLIAM T. AMES

Bombay, February 13.

Enclosure no. 2 to despatch no. 31 of March 12, 1947, from John J. Macdonald, American Consul General, Bombay, India, entitled "Prohibition in Bombay: Government Warning Regarding Hoarding of Foreign Liquor".

TIMES OF INDIA

March 11, 1947

FOREIGN LIQUOR HOARDING

Government Warning

It has been brought to the notice of the Government of Bombay that some persons have started hoarding foreign liquor for personal consumption or other purposes after April 1, 1947, when the four-year Prohibition programme comes into force, says the Director of Publicity, Bombay. Government have already imposed a restriction on the limit of retail sale of foreign liquor in pursuance of the Prohibition programme, he adds. The limit of retail sale has been fixed at 6 bottles of spirits, 3 bottles of wine and 12 bottles of beer.

The Government intend to impose a restriction on the limit of possession of foreign liquor with effect from April 1, 1947. It is intended that the limit of possession will be the same as the limit of retail sale of foreign liquor already imposed. Members of the public are, therefore, warned not to hoard or purchase foreign liquor in excess of their requirements.

NO. 101

AMERICAN CONSULATE GENERAL

UNCLASSIFIED

Bombay, India, April 10, 1947

SUBJECT: Effect of Prohibition upon Motion Pictures in Bombay

1—1055

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to Bombay's Voluntary Report no. 4 of January 16, 1947 entitled "Prohibition Plan for Bombay" and to enclose copies of an article from the Times of India of April 9, 1947 entitled "Liquor Scenes in Films Banned: Bombay Order".

The Bombay Board of Film Censors was directed by the Government on March 31, 1947, to notify all film producers in India that beginning April 1, 1947 all films would have to be submitted to censorship for the elimination of drinking scenes and that only such footage of drinking scenes will be permitted as is absolutely necessary to maintain the continuity of the story. The Board was further directed to announce that effective April 1, 1948 all drinking scenes would be completely prohibited; the only exception will be in the case of films the purpose of which is to show the harmful effect of liquor on the human frame. Films passed by other boards of film censors in India will receive the same treatment hereafter.

Respectfully yours,

John J. Macdonald
John J. Macdonald
American Consul General

Enclosure:

Copies of article from Times of India dated April 9, 1947

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JAMES V. MARTIN JR:dmb

UNCLASSIFIED

Copies to:

845.114/4-1047

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AIR MAIL

Despatch no. 101
Bombay/April 10.47 2

Copies to:

American Embassy, London
American Embassy, New Delhi
American Consulate General,
Calcutta (without enclosure)

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Enclosure to Despatch no. 101 dated April 10, 1947 from John J. Macdonald, American Consul General, Bombay, India, entitled "Effect of Prohibition upon Motion Pictures in Bombay".

TIMES OF INDIA April 9, 1947

LIQUOR SCENES IN FILMS BANNED

Bombay Order

The Government of Bombay have decided to eliminate scenes showing drinking or the use of any kind of liquor from cinematograph films as a part of its prohibition policy which came into force from April 1 this year.

In a communication dated March 31, 1947, the Bombay Board of Film Censors were requested to notify all film producers in this country that no scenes showing drinking of any type of liquor would be permitted in films submitted for examination from April 1, 1947, and that on April 1, 1948, such scenes in all films, whether certified at any time prior to or after April 1, 1947, would be entirely deleted.

The Government have also requested the Board to notify all importers of foreign films that they should impress upon their respective producers the necessity of eliminating scenes of this type from all films intended to be submitted to it for examination after March 31, 1947, and that only such footage of drinking and liquor scenes will be permitted as is absolutely necessary to maintain the continuity of the story, in films submitted for examination during the period of 12 months up to March 31, 1948.

These instructions, however, do not apply to those films, the ideal of which, in the whole or part, is to show the harmful effect of liquor on the human being.

Finally, films passed by other Boards of Film Censors in India, and brought into this province for public exhibition hereafter will be examined and dealt with in a similar manner.

NO. 415

AMERICAN CONSULATE GENERAL

Bombay, India, August 9, 1947

UNCLASSIFIED

SUBJECT: Prohibition in Bombay.

1—1055

DIVISION OF MIDDLE EASTERN AND INDIAN AFFAIRS
SEP 8 1947
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to my despatch no. 101 dated April 10, 1947 entitled "Effect of Prohibition Upon Motion Pictures in Bombay", and to enclose copies of an article from the Free Press Journal of July 17, 1947 and an article from the Times of India dated August 8, 1947, on the same subject.

The Free Press Journal article reports that only a few of the States bordering Bombay Province have expressed their willingness to cooperate with the Bombay Government in its four year prohibition scheme. Failure of the bordering States to cooperate will make it difficult for the Bombay Government to prevent smuggling on a large scale.

The Times of India article of August 8, 1947 states that it will be illegal to publish liquor advertisements in newspapers in Bombay Province after October 31, 1947.

The Government of Bombay is bending its greatest efforts to eradicate what it pleases to describe as the three great vices of modern times - prostitution, gambling and drinking. It has received considerable criticism for this preoccupation with what many people regard as lesser phases of the social and economic difficulties confronting Bombay Province.

Respectfully yours,

John J. Macdonald
American Consul General

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SEP 9 - 1947
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9/9/47
Department of State

Enclosures:

845.114/8-947

Enclosures:

1. Article from Free Press Journal, July 17, 1947

2. Clipping from Times of India, August 8, 1947

811.4
JAMES V. MARTIN, Jr:ad

Original and hectograph to the Department

Copies to: American Embassy, New Delhi
American Embassy, London

UNCLASSIFIED

Enclosure no. 1 to despatch no. 415 dated August 9, 1947, from John J. Macdonald, American Consul General, Bombay, India, entitled "Prohibition in Bombay".

FREE PRESS JOURNAL - BOMBAY

July 17, 1947

Copy - ad

TOTAL PROHIBITION IN BOMBAY

Border States Unwilling to Co-operate

Bombay, Wednesday.

Only a few of the bordering States of Bombay Province have expressed their willingness to cooperate with the Bombay Government in their four-year prohibition scheme, it is learnt from official quarters.

The conference of the representatives of the various States and the Bombay Government which was to have been held some time ago to devise ways and means to prevent smuggling of liquor from the States and to ensure success of Bombay's prohibition scheme had to be postponed 'sine die' in view of the reluctance on the part of the majority of the States to send their representatives to take part in the deliberations.

Mr. L.M. Patil, Excise Minister told Globe that if the States did not co-operate the Bombay Government would have to adopt sterner measures to make the scheme a complete success. It might be the States were busy with their internal affairs, and might not design their policies until the present political turmoil was over, the Minister remarked. He, however, expressed the hope that in future they would co-operate with the Bombay Government in the prohibition programme without which the enforcement of total prohibition would be compromised.

Enclosure no. 2 to despatch no. 415 dated August 9, 1947, from John J. Macdonald, American Consul General, Bombay, India, entitled "Prohibition in Bombay".

TIMES OF INDIA - BOMBAY

August 8, 1947

BAN ON LIQUOR ADVERTISEMENTS

Bombay Govt. Order

It will be illegal to publish liquor advertisements in newspapers in Bombay Province after October 31. 1947.

The Bombay Government have ordered, by a Gazette notification, that no person shall print or publish, display or distribute any advertisement or other matter commending the use of, or offering any intoxicant, calculated to encourage or incite any individual or the public generally to commit an offence under the Bombay Akbari Act, 1878.

NO. 902

AMERICAN CONSULATE

Madras, India, October 15, 1947.

UNCLASSIFIED

Referred to Consulate RE for action RJ

SUBJECT: Request of Government of Madras, India, for information on operation of prohibition in the United States.

1—1055

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON., D. C. 25.

SIR:

I have the honor to forward a request of the Secretary of the Prohibition Enquiry Committee of the Government of Madras for certain information regarding the operation of prohibition in the United States. As the Department has been informed, prohibition is being introduced over a three year period in the Province of Madras. Enforcement began on October 1, 1946, in eight initial districts, with a second eight districts coming under prohibition on October 1, 1947. The remaining eight districts, including the city of Madras, are to become dry on October 1, 1948.

The Government of Madras has now set up a Prohibition Enquiry Committee to review the whole question and the secretary of the committee has approached the Consulate General for information on the workings of the Prohibition Amendment in the United States with a view to making recommendations for local enforcement in the light of the experience of other countries. In conversation with the Secretary, the impression was gained that the government already had misgivings as to the efficacy of a prohibitory law based on its year old trial. It should be borne in mind that the primary objective of prohibition in the province is to improve the lot of the low paid worker who receives perhaps two or three rupees a day and as often as not spends two-thirds of that amount on his daily visit to the toddy-shop after his daily grind. The secretary, who was formerly a district enforcement officer, states that, in general, this objective was being attained, although bootleggers operating on a fairly large scale were rapidly appearing on the scene and the government was naturally greatly concerned.

The information requested by the committee secretary appears to be

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to be of a rather general nature:

1. The circumstances that led to the introduction of prohibition in the United States.

2. The general plan of enforcement.

3. The amount and effectiveness of public cooperation.

4. The effect of prohibition on the poorer classes in respect of betterment in their economic and social life and the finances of the family budget.

5. The relative output of work by factory workers during the prohibition period.

6. The steps taken to check bootlegging and the effectiveness of such steps.

7. The circumstances that led to abandonment of prohibition.

While certain points could, of course, be answered by the Consulate General, it does not have at its disposal sufficient facts or figures to give a comprehensive reply to the secretary's request. It is possible that there is a general survey of prohibition among the government publications which would be sufficient for the purpose of the committee. Failing that, perhaps the Department or other appropriate agency of the government could recommend and furnish an independent publication of similar nature.

An urgent reply has been requested, since the committee hopes to conclude its work within another month.

Respectfully yours,

Roy E. B. Bower
American Consul

811.4/800
Merritt M. Grant:SJ

Original and hectograph to Department
Copy to American Embassy, New Delhi.

FEB 6 1948

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UNCLASSIFIED

To the

American Consular Officer in Charge,

Madras, India.

The Secretary of State acknowledges the receipt of the Consulate's despatch No. 902 of October 15, 1947 regarding the desire of the Prohibition Enquiry Committee of the Government of Madras to obtain certain information relating to the operation of prohibition in the United States.

There is enclosed a copy of the report of the National Commission on Law Observance and Enforcement entitled Report on the Enforcement of the Prohibition Laws of the United States. The Committee may also be interested in some of the publications mentioned in the enclosed copy of price list 54, Political Science, under the headings "Liquors" and "National Commission on Law Observance and Enforcement". Remittances for publications named in the price list may be sent to the Superintendent of Documents, Government Printing Office, Washington 25, D. C., who is the authorized distributor of Government publications.

CS/N

845.114/10-1547

Enclosures:

1. House Document No. 722, 71st Congress, 3d Session.
2. Price list 54

CR
FEB 6 1948

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NO. 550

AMERICAN CONSULATE GENERAL

Bombay, India, October 22, 1947

UNCLASSIFIED

SUBJECT: Severe Penalty for Drunkenness Established by Bombay Government

DIVISION OF MIDDLE EASTERN AND INDIAN AFFAIRS
NOV 7 47
DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that on October 16, 1947, the Bombay Legislative Assembly passed in all three readings a Bill to amend the Bombay District Police Act of 1890 and the City of Bombay Police Act of 1902, provisions of which amendment will permit the imprisonment for one month with a fine of Rs.1,000 for the first offence and imprisonment for six months with a fine of Rs.500 for a subsequent offence of any person found drunk or under the influence of alcohol in a public place.

The Times of India in an editorial of October 18 regarded the penal provisions as excessively harsh. The editorial states: "The Bombay legislature has been less than fair to itself in respect of this Bill. It was one of four measures rushed through all three readings and enacted into law in the short space of one hour. Occasions like these emphasise the need for an effective Opposition".

Respectfully yours,

Charles D. Withers
American Vice Consul

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811.4
J.V. MARTIN:df

Original and hectograph to the Department.

Copies to:

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DEPARTMENT OF STATE
1947 NOV 5 PM 1 17

Copies to:

American Embassy, New Delhi.
American Embassy, London.

UNCLASSIFIED

No.28

AMERICAN CONSULATE GENERAL

Madras, India, January 30, 1948

UNCLASSIFIED

SUBJECT: Press report of speech delivered by Prohibition Minister to Rotary International Club in Madras.

THE HONORABLE

SECRETARY OF STATE,

WASHINGTON, D.C., 25.

SIR:

I have the honor to enclose in single copy press clippings from the Mail of January 27 and the Hindu of January 28 reporting the speech given by Mr. Daniel THOMAS, Prohibition Minister, Government of Madras, to the Rotary International Club on January 27.

The Public Affairs Officer attended the meeting as a member and reports that the account in the Mail is essentially correct and is the better of the two reports submitted. Two references were made to American prohibition which were not included in any of the press reports. The first was that America discovered that the prohibition became a problem of the classes and not of the masses. The second was that the failure of prohibition in America was due to inability to enforce the law.

Respectfully yours,

Roy E. B. Bower
American Consul General

Enclosures:

1. Single clipping from the Mail, January 27
2. Single clipping from the Hindu, January 28

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Original, ozalid and three copies to Department
Copy to American Embassy, New Delhi
" " American Consulate General, Bombay

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MAR 1 1948

DEPARTMENT OF STATE

Enclosure No. 1 to Despatch No. 28 dated January 30, Madras, India, on the subject entitled: "Press report of speech delivered by Prohibition Minister to Rotary International Club in Madras."

The Mail, January 27.

Cooperation needed to make prohibition successful

Minister reviews situation at Rotary Luncheon

THE Government could pass legislation, appoint staff for enforcement, make drinking an offence, and do other things in their power. But all this would be in vain if public opinion was not behind prohibition, and public cooperation was not forthcoming, said the Minister for Prohibition, Mr Daniel Thomas addressing the Madras Rotary Club luncheon meeting today at the Connemara.

MADRAS, Jan. 27.

Lt-Col G. A. Gill, President, presided. As a gesture, and perhaps for the first time in the history of the Madras Rotary club luncheon parties, alcoholic drinks were "taboo" and Rotarians were satisfied with 'soft' drinks.

After the guests were introduced, Rotarian Governor S. R. Sharma proposed the toast of the Middle River Rotary club U.S.A. which was peacefully responded to.

Mr Daniel Thomas said he was grateful for the gesture shown by Rotarians in refraining from any liquor that day. "Following the gesture, I can announce that in October this year Madras City will go dry along with the remaining districts after which there will be no need for any gestures as such (laughter).

Two aspects

There were both merits and demerits in drinking.

Referring to the changing times and modern developments he said there was a conflict between the rights of individual and the rights of society as a whole, and how far individuals rights had to be submerged by controls, and over-ridden by what was considered to be best in the larger interests of society.

The effects of drink differed from class to class. Drink was admittedly an evil if taken in excess. But whether it was good when taken in moderation was a subject on which much could be said on both sides. The "classes" believed that drink, taken in limited quantities for social recreation, or for the promotion of happy relationship, was necessary. But what about the masses? The Government considered legislation necessary since the masses were not in a position to control themselves. The common man, the labourer took to drink to escape the misery of his poverty, stricken life, and a means to an hour of paradise. The middle classes also get into the drink, habit and found themselves in a whirlpool of tragedy and poverty.

"On its merits it must be said that so far as the labouring classes are concerned regulation and control—Prohibition—is useful and necessary to improve their condition of living."

Effect on work

Referring to the industrial classes, Mr Thomas said they must consider another aspect drink. Authorities definitely said it interfered with the quality, the tone, and tenor of the work of an industrial labourer, and that therefore drink must go. The increased production of everything the country needed depended on industrial labourer abstaining from drink.

The psychological effect of Prohibition was that the better classes felt annoyed "Why should the Government should take away my right, I am not a toper and I do not drink in excess. Why then should my individual liberty be curtailed and regulated" they asked

Referring to the criticism of prohibition in an article published in The Mail Mr Thomas said that the feeling of sulkiness was only temporary. In the past the labourer looked forward to the evening with eagerness to taking his drinks at the shop, where he had a sort of club life and where all people mixed together in companionship. Since the introduction of prohibition there had naturally been a sort of psychological reaction, an indifferance to work. There was what might be called a spirit of sulkiness. But that was only a passing psychological reaction."

Proceeding Mr Daniel Thomas referred to the first introduction of prohibition in 1937 by the C. R. Ministry, and had inquiries had shown that the workers' wages went to the family and wives and the children were happy.

He personally had seen the wave of enthusiasm among women and children when prohibition was introduced in Oct. 1946 in 8 districts. They all stood to gain because wages went into the family coffers.

They gained socially because workers returned home sober. There were happy family relationships and more money to spend and save.

Prohibition, said the Minister, so far as the labouring classes were concerned, was really beneficial, and would be of an abiding character, notwithstanding the psychological reaction which was temporary.

Duty of State

The State was taking more interest in the well-being of the masses, and the provision of amenities. It was therefore necessary that the State should also enforce conditions which would enable the people of this Province to live a good and decent life.

"Is it not necessary that, side by side with providing conditions of healthy and better living, the State should also regulate life and enforce habits of life and thus prevent people from falling back into degradation?"

It was in that view he added that Government undertook prohibition all over the province.

The Government had to do all possible to reclaim the poor and provide conditions of healthy and decent living.

The Government had not adopted it lightly for it had cost them Rs 17 crores. But in spite of this huge deficit in the income to the Government, this policy he averred was in the best interests of the people.

Continuing, he spoke of the need for ameliorative activities.

He urged the need for public sympathy and support and added, "I would therefore, humbly appeal to this distinguished gathering to give us wholehearted support."

Answering questions the Minister said that Government hoped to make up for the loss of revenue partly by the Sales Tax and partly by the successful operation of State owned buses. He appealed to the public and to help the Government to make the nationalisation of transport service not only in the city but in the Province a great success. Labour particularly should take the advise of Sardar Patel and refrain from strikes.

Concluding, Mr Daniel Thomas said that though enforcement cost the Government about Rs 50,00,000 or so, in the years to come offences would be dealt with by the police department in the place of special staff.

Mr R. W. Theobald proposing a vote of thanks supported the policy of Prohibition as a member of a Sober nation who got about 500 million pounds, because of their sobriety. "As a teetotaller I disagree with the Minister; but I wish him good luck."

Enclosure No. 2 to Despatch No. 28 dated January 30, Madras, India, on the subject entitled: "Press report of speech delivered by Prohibition Minister to Rotary International Club in Madras."

The Hindu, January 28

BETTER LIVING FOR THE MASSES

OBJECT OF PROHIBITION POLICY EXPLAINED

MADRAS, Jan. 27.

Addressing the members of the Madras Rotary Club this afternoon on 'Prohibition', Mr. Daniel Thomas, Prohibition Minister, said that they would not be worthy of the freedom they had won unless they here and now set themselves to the task of raising the living conditions of the masses and that Prohibition was one of the chief steps that should be taken to achieve the object in view. The Prohibition Minister appealed to the members of the Club to co-operate with the Government in their efforts to make the policy a success in this Province. Lt.-Col. G. S. Gill, the President of the Club, was in the chair.

Mr. S. R. Sarma proposed the toast of the Rotary Club of Middle River, U.S.A.

Mr. Daniel Thomas first announced that from October 1, 1948 the whole Province of Madras would become dry. One of the characteristics of modern age, he said, was the increasing tendency to have collective and social legislation on a large scale for the benefit of the larger sections of the people. Prohibition was one of the important items of social amelioration of the poorer classes. It would be admitted by all that so far as the poorer classes were concerned Prohibition was useful and necessary. It had also been found that so far as industrial classes were concerned drink resulted in decreasing the quality of work done and their capacity to work. It had been said in some quarters that the policy need not be imposed on the higher classes, where people would be able to control themselves. But, the Minister stated, in the interests of the vast masses in the country, Prohibition was necessary and they could not be making exceptions to certain classes regarding the implementation of a policy in which the State was convinced that it was necessary for the interests of the community as a whole. Prohibition was introduced when the Congress Party came into power in 1937 in four districts and the investigations made of the living conditions of the people after the introduction of Prohibition by experts revealed the extent of the great gain to the community. Prohibition was now in force in the Province except in eight districts and Madras City and the living conditions of the poorer classes in those districts were distinctly beter than before.

The Congress Party all over the country, Mr. Thomas went on to say, realising its duty to the people and knowing full well the tremendous task before them of improving the living conditions of the people in the villages had launched on this programme. It had not undertaken this programme in a light-hearted manner. They were sure of success. Mere Prohibition as 'Thou shalt not' would never succeed anywhere unless steps were also taken side by side to wean away the people from the liquor shop. With this view, the Government had undertaken several ameliorative measures for providing healthy recreation to the villagers and providing other amenities for better living.

In conclusion, Mr. Daniel Thomas said that Government might lay down the policy, appoint officers for enforcing the same but unless the public co-operated with the Government, the scheme would not be a success. He appealed to the members of the Madras Rotary Club to wholeheartedly co-operate with the Government, in the interests of the larger whole to achieve happiness for the largest number which was the object of the measure, as well as the object of the Rotarians.

Answering questions, the Minister stated that after Prohibition had been introduced throughout the Province, they need not have a special establishment for the enforcement of Prohibition and such offences could ordinarily be dealt with by the police.

Mr. R. W. Theobald thanked Mr. Daniel Thomas and wished the Prohibition programme every success.

NO. 170

AMERICAN CONSULATE GENERAL

1948 APR 2 AM 11 47

Bombay, India, March 19, 1948

UNCLASSIFIED

SUBJECT: Bombay Liquor Restrictions Tightened for Second Year of Prohibition Program.

DEPARTMENT OF STATE
APR 6 1948
DIVISION OF INTERNATIONAL LABOR, SOCIAL AND HEALTH AFFAIRS - ILH

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to Bombay's report no. 4 of January 16, 1947, outlining the Bombay Prohibition Plan which went into effect on April 1, 1947, and to report that during discussion on the 1948-49 Budget in the Legislative Assembly, the Bombay Excise Minister announced further restrictions on the consumption, possession and sale of liquors for the second year of the program commencing April 1, 1948. The following points were made by him in his speech:

1. No person will be allowed to be in possession at a time, without permit, more than 4 quart bottles of liquor, 2 of wine and 8 of beer as compared with the current maximum of 6 bottles of liquor, 3 of wine and 12 of beer.

2. Not more than one bottle of liquor, one of wine and three of beer can be transported from one town to another without a permit.

3. Traders are at present permitted to convert rectified spirit into potable liquor by compounding and the addition of essences. This will be stopped and such manufacture will become the monopoly of the Government distillery in Nasik.

4. Possession of rectified and denatured spirit will be limited to one quart of each and will be subject to permission from the prescribed authority.

5. Licensed dealers who are at present allowed to export freely liquors and intoxicants to places outside the Province will be prohibited from doing so.

6. Smuggling

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6. Smuggling across the provincial borders is no longer a serious problem since 16 Indian States have merged with the Province and the other States are expected to offer active cooperation.

7. A request has been made to the Portuguese Indian authorities for the necessary help in preventing smuggling from their areas and Government hope to receive their cooperation also.

It is understood that as from April 1 three days in the week namely, Sundays, Wednesdays and Fridays, will be "dry days" in the Province. In addition, pay days for mill labor and local holidays will be observed as "dry days". It is also likely that the use of liquor at public functions will be banned. The Governor of Bombay, Raja Sir Maharaj Singh, has already prescribed that no alcoholic drinks should be served in Government House or at any Government House functions.

Respectfully yours,

John J. Macdonald

John J. Macdonald
American Consul General

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C.D. Withers/ vk/jt

Original and hectograph to Department

Copy to: American Embassy, New Delhi

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DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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ACTION: NEA
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FROM: American Embassy
New Delhi, India.

Date of Mailing: June 8, 1948.

Rec'd June 15, 3:37 p.m.

DIVISION OF SOUTH ASIAN AFFAIRS
JUN 18 1948
Department of State

Secretary of State
Washington.

A-273, June 7, 1948.

Effective June 1, 1948 partial prohibition was introduced in Delhi Province. Under Section 59 of the Punjab Excise Act, as extended to Delhi, consumption and sale of country liquor, foreign liquor and bhang is forbidden on Tuesdays in all licensed premises.

August 15 (Indian Independence Day) and October 2 (the Mahatma's birthday) have also been declared "dry" days. Whether this order also affects clubs is not known.

Many people in Delhi believe that with the arrival of the new Governor-General at the end of this month, the progress of prohibition in Delhi will be accelerated, as Mr. Rajagopalachari is a strong prohibitionist. However, no official statement has been issued on this subject, other than the one mentioned in this airgram.

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THE FOREIGN SERVICE
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UNITED STATES OF AMERICA

NO. 275

AMERICAN CONSULATE GENERAL

RECD
JUNE 22

Bombay, India, June 15, 1949

ACTION
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Subject: Modification of Prohibition Policy in C.P. Likely

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

DIVISION OF SOUTH ASIAN AFFAIRS
JUN 24 1949
DEPARTMENT OF STATE.

SIR:

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I have the honor to report that according to press announcements in Bombay papers the Cabinet of the Central Provinces has decided to review the prohibition policy in the light of "experience gained and the practicabilities of the problem". The loss of revenue due to the prohibition policy pursued in six districts and certain other parts of the province is estimated at Rs.20,000,000 per year. The loss of revenue if the province goes completely dry, as planned, will be an additional Rs.50,000,000. This does not include the extra expenditure that must be incurred in the enforcements of prohibition laws.

On the basis of these newspaper stories, it seems likely that the Central Provinces may curtail the prohibition policy. This is in sharp contrast to the Bombay Province, where the Bombay Prohibition Act of 1949 will be brought into force on June 16, 1949 with complete prohibition planned to be in effect by April 1, 1950.

Respectfully yours,

William Witman II
American Consul

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American Embassy, New Delhi.

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JUL 15 1949
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AMERICAN CONSULATE GENERAL

Madras, India, July 2, 1948.

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DEPARTMENT OF STATE
1948 JUL 29 PM 2 05
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DIVISION OF SOUTH ASIAN AFFAIRS
JUL 2 1948
Department of State

UNCLASSIFIED

SUBJECT: Prohibition introduced in three districts in Mysore State.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C., 25.

SIR:

I have the honor to quote below a short article which appeared in the July 1st issue of the Madras Hindu reporting the passage of legislation in Mysore State to introduce total prohibition in the Kolar, Tumkur and Chitaldrug districts with effect from July 1, 1948:

"PROHIBITION IN MYSORE

"Three Districts to go Dry Today

"Council Approves Legislation

"BANGALORE, June 30.

"The Mysore Legislative Council, today, passed the Prohibition Bill introduced by Mr. Mohamed Sheriff, Minister for Excise and Public Health.

"The Government, as already stated in these columns, have decided to introduce total Prohibition in the districts of Kolar, Tumkur and Chitaldrug with effect from July 1, 1948.

"Under

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"Under the Bill, drunkenness is made an offence as also the consumption, purchase and gift of intoxicants. It penalises conspiracies to commit certain serious Prohibition offences and also the abetment of all offences against the Prohibition Law. Advertisements commending the use of liquors, etc., are also forbidden.

"There is provision in the Bill for the grant of exemptions for medicinal, scientific and industrial and religious purposes and of permits and licences to individuals on medical and other grounds.

"The Bill is based on the Madras Prohibition Act."

Respectfully yours,

Robert B. Streeper
American Consul General

Source:

The Madras Hindu, July 1, 1948.

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RPChalker:mp

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Copies to New Delhi, Calcutta & Bombay.

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No.195.

AMERICAN CONSULATE GENERAL

Madras, India, July 2, 1948

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1948 JUL 29 PM 2 06
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DIVISION OF SOUTH ASIAN AFFAIRS
JUL 31 1948
Department of State

UNCLASSIFIED

SUBJECT: Prohibition to be introduced in the remaining districts in Madras Province on October 2, 1948.

DEPARTMENT OF STATE
SEP 7 1948
DIVISION OF INTERNATIONAL LABOR, SOCIAL AND HEALTH AFFAIRS

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C.

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SIR:

I have the honor to quote below a notice which appeared today in the Madras Hindu indicating that the remaining eight wet districts of Madras Province as well as the City of Madras are to come under total prohibition on October 2, 1948. If the orders here mentioned are carried into effect it would appear that the rumors referred to in the last paragraph of this office's despatch No.187 dated June 29, 1948, entitled "Speech by the Premier of Madras Government on Non-cooperation of villagers with the Government in the enforcement of certain laws", was erroneous.

"PROHIBITION SCHEME

"EXTENSION TO CITY FROM OCT.2

"Eight More Districts also to go 'Dry'

"MADRAS, July 1.

"Orders have been issued by the Government for the introduction of Prohibition in Madras City and the districts of Vizagapatam, East and West Godavari, Krishna,

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FILED
SEP 16 1948

Krishna, Chingleput, South Arcot, Ramnad, and Tirunelveli from October 2.

"The Government have allowed the arrack shops to be kept open on October 1 to facilitate inspection and checking by officers on that day.

"Depot licences and account books have been ordered to be recovered from the renters on the evening of September30. The stock of liquor remaining in the depots is to be gauged and entered in the account books by a Revenue Official and then destroyed by pouring it on the ground.

"Warehouse and distillery licences are to be recovered on the evening of September 30 by warehouse and distillery officers, who are required to gauge and enter in the account books the stock of country spirit remaining there.

"Excise Officers have been directed to bestow earnest attention to see that liquor is not surreptitiously removed from shops for clandestine disposal later."

As a consequence of the introduction of prohibition it was expected that a great number of palm trees from which raw material for toddy is taken would be felled and the logs used for other purposes. It is now stated in the same issue of the Hindu that the Government of India has asked the Madras Government to prevent destruction of palm trees.

The Premier of Madras has also seen fit to warn government servants in a speech at Hospet (Bellary district) on June 30th that government servants who do not give up the drink habit will have action taken against them. It was his view that such government servants were unfit to remain in the services.

The Department may be interested in a few details of prohibition enforcement.

Reports appear in the Fort St. George Gazette every month of quite a number of cases of violations detected under the Prohibition Act. In sixteen districts the average has been in recent months around 5,000. The month of April showed increase only in the districts of Kurnool, Coimbatore and Malabar. About half of the cases are related to illicit distillation and kindred offences. Persons who drink are

generally

generally referred to as "addicts" although the Consulate General is not aware of any firm definition which has been made of this term. Various attempts are being made to provide "ex-addicts" with diversions to fill the void left in their lives by the cessation of the drink habit. Shops have been opened where sweet (unfermented) toddy, tea and coffee are offered for sale. Village and rural games are organized and folk dances, dramas and cinemas are reported to be held in hundreds of villages to ameliorate their lot. In Salem district it is reported that most of the cinema theaters admit 10 "ex-addicts" free of charge to each performance. In April, 57 ballad singers visited 602 villages and in 297 of them community singing was organized.

Attempts have also been made to find alternative employment for those who formerly drew the sap from the palm trees for the making of toddy. Many of these, called "toddy tappers", have been settled in other occupations such as mat-weaving, farming and the making of a crude rural sugar from the toddy tree known as jaggery.

Respectfully yours,

Robert B. Streeper
American Consul General

Sources:

The Hindu, Madras daily, July 2, 1948.
The Mail, Madras daily, July 1, 1948.

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RPChalker:mp

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R.B.B.

THE FOREIGN SERVICE
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No.210.

AMERICAN CONSULATE GENERAL

Madras, India, July 16, 1948

DIVISION OF SOUTH ASIAN AFFAIRS
AUG 16 1948
Department of State

CONFIDENTIAL

845.114/7-1648

SUBJECT: Report of the Madras Prohibition Enquiry Committee.

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DEPARTMENT OF STATE
1948 AUG 6 PM 1 31
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THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON, D.C., 25.

SIR:

I have the honor to report that in August 1947 the Madras Government constituted a Committee to examine the question of the working of prohibition in eight districts of the Madras Province which went dry in October 1946. The report of the Committee has been recently published by the Madras Government and has had a widely noted although mixed reception by the local press.

The scope of the enquiries of the Committee embraced the following:

(1) The adequacy and effectiveness of the staff and other arrangements for the enforcement of prohibition in the eight districts;

(2) The extent to which there have been breaches of the Prohibition Act and the ways and means by which the breaches are being carried out;

(3) The extent and the adequacy of co-operation in the matter of enforcement of prohibition by (a) the regular police establishment in the district, (b) other Government officials including village servants, and (c) the general public including organizations like village and Taluk Congress Committees.

(4) Ways

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(4) Ways and means by which prohibition could be more vigorously and successfully carried out, including the enlistment of greater co-operation from officials and non-officials alike;

(5) The extent to which as a result of prohibition socials, economic and vocational betterment has been attained by the former addicts in the eight districts;

(6) The lines on which it is desirable to amend the existing Prohibition Act in order to tighten up the enforcement policy;

(7) Suggestions for the improvement or modification of the measures that have been adopted by the Government on the ameliorative side of prohibition in order to wean away addicts from the drinking habit and to provide a better social and recreative environment for them;

(8) The provision of alternative employment for toddy tappers and tappers of palmyra and coconut trees for sweet juice; and

(9) The policy of prohibition generally and the pace and rate at which it should be extended and enforced throughout the province.

The following is a summary of the findings of the Committee which were based on information collected at hearings, by questionnaires, in conferences of district officials and non-officials and in public meetings:as reported in the Madras Hindu on July 8, 1948:

> "From all points, the present machinery for enforcement of Prohibition is not satisfactory and the separation of enforcement staff from the general police staff in the police Prohibition districts has not proved efficient. The position is much worse in the excise Prohibition districts, where the staff of the Excise Department which actively helped the growth of the excise revenue was entrusted with the enforcement work. The only satisfactory way of ensuring efficient administration of the Prohibition law is to entrust enforcement to the general police. The method of approach towards enforcement by the official staff calls for a thorough change. Emphasis should be laid on the prevention of Prohibition offences. Towards this end, constant vigilance, frequent visits to notorious centres of illicit distillation, intimate contact with villagers and leading men by the officers and the staff are essential.
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> "The

"The staff in charge of societies for the manufacture of jaggery and the enforcement staff should be more vigilant and bring to book those who carry on illicit tapping and who manufacture fermented toddy under the guise of drawing sweet toddy for jaggery manufacture. Sale of jaggery in large quantities in centres notorious for the manufacture of illicit arrack should be carefully watched by the enforcement staff. Government may secure the co-operation of Hyderabad and Mysore State authorities for the effective prevention of smuggling of liquor from those States.

"As it is easy to smuggle opium, ganja* and bhang**, cases can be easily foisted on innocent persons. The enforcement staff should make a thorough and detailed investigation and satisfy themselves regarding the genuineness of the crime, before putting in a charge-sheet. In regard to the issue of opium permits to addicts, the quantity of opium may be reduced annually by 20 percent and the issue completely stopped after a period of five years, by which time the addicts will have prepared themselves for complete abstinence. Issue of permits for consumption of foreign liquor to the Indians (including Anglo-Indians, Parsis and Jews) domiciled Europeans is recommended to be stopped at least in five years. Annual licence fee on such permits should be fixed at Rs.200. Provision for the issue of brandy on the advice of doctors is liable to abuse and may tend to increase the drink habit among certain well-to-do classes under cover of medical advice. It is, therefore, necessary to put an end to this practice immediately. It is recommended that the Form II licences should be restricted to the sale of medicated wines and similar preparation and should not be extended to the sale of brandy. Supply of brandy to the medical practitioners for use in practice should be stopped.

"The success of Prohibition depends upon mutual help and co-operation between the public and the officials. The officials should shake off

their

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* An Indian hemp, known as 'Cannabis indica', used for smoking and chewing. Also used in the preparation of an oriental narcotic drug called 'hashish'.

** A narcotic and intoxicant made especially in India of the dried leaves and young twigs of the hemp. Bhang has little taste and a faint, heavy odor, and is used for chewing or smoking or as a drink when mixed with water.

their exclusiveness and take the public into confidence. The public should shed their distrust of the officials, work as partners in this enterprise, and bring about a better co-ordination in the work. The present practice of constituting Prohibition Committees for villages and taluks is found to be ineffective. Constitution of Prohibition Committees for the area of each police station is suggested. It has been suggested that the cause of Prohibition will be better served, if the members of the legal profession refrain from defending persons, who, they have grounds to believe, have committed Prohibition offences. This suggestion may be communicated to Bar Councils for necessary action.

* * * *

"The punishment awarded for Prohibition offences should act as a deterrent and instill sufficient fear among the offenders. All Prohibition offences excepting drunkenness and possession of small quantities of liquor or drug should be made non-bailable. Suitable amendments to the Prohibition Act are recommended. The services of the Prohibition prisoners should be utilised in work like irrigation projects. They should be allotted the usual wages and such portion of their earnings as is left over after meeting the cost of their maintenance, should be sent to their families. Insistence on the obtaining of medical certificates, before launching prosecution in cases of drunkenness is unworkable in rural areas. A panel of persons not less than ten in each village known for their integrity may be selected by the Revenue Divisional Officer, and statement of symptoms of drunkenness, as per the opinion of the Surgeon-General, from any two persons from the panel should be considered as valid evidence to prove the offence. Certain amendments to the Prohibition Act are suggested to carry out effective enforcement of Prohibition.

"With a view to protect the innocent public against harassment through 'foisted cases' power to stop proceedings should be vested in the appropriate authorities. Magistrates may be empowered to take security bonds from habitual offenders and from those, who attempt to commit or abet the commission of offences punishable under Sections 4, 5 or 7 of the Act. Offenders with previous convictions may be awarded twice the punishment awarded on first conviction. In places where the people of the locality through combination fail to render assistance to detect Prohibition crime or suppress material evidence collective fines may be imposed in order to mobilise public opinion against the offenders. In places where

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the conduct of the inhabitants is calculated to impair the progress of prohibition or to affect enforcement work, it may be expedient to station punitive police and recover the costs from the inhabitants responsible for it. Where there are good reasons to believe that the removal of habitual offender and abettors of prohibition crimes from the scene of action would make the task of enforcement easy steps may be taken to keep them under detention. Permits or licences granted to buses, ferryboats, jutkas and other public conveyances, carrying persons, who have consumed or are under the influence of liquor should be liable for cancellation.

"Grama Sangams [village committees] have proved themselves unequal to the task of working as efficient agencies for rural uplift work. To ensure effective ameliorative work in all its comprehensive aspects, villages should be grouped into compact units and for each such unit a village panchayat under the Local Boards Act and a co-operative society under the Madras Co-Operative Societies Act should be organized, if they are not already there, to attend to the civic and economic needs respectively of the units.

"Development of cottage industries among the agriculturists constitutes a second string to the bow. The work should be planned, organised and developed systematically by the Rural Welfare Officer and Deputy Registrars in conjunction with the Deputy Director of Cottage Industries in the Industries Department. Tapping of palmyrah trees, coconut trees and date trees for sweet juice in areas where the trees were tapped for fermented toddy in pre-prohibition days should be forbidden as a general rule. Colonization co-operative societies started for the benefit of ex-tappers should be run on ideal lines, in order that they should not only benefit the colonists but also serve as an object lesson to the people in the vicinity. They should be adequately subsidised by Government.

* * * *

"Suitable persons with a flair for propaganda, reputation for their sterling character with past experience, and zeal for anti-drink campaign should be selected by Government from among the panel drawn

by

A microfilm project of

> by the District Prohibition Committees for appointment as District Propaganda Officers. A ballad singer may be attached to each propagandist. Production of attractive films, representing beneficial effects of prohibition, may be shown in cinema houses. Care should be taken to avoid unseemly scenes such as drunken brawls etc. District Prohibition Committees may select suitable persons who are competent to stage village dramas and authorize them to carry on these performances in the villages. These performances should normally be paid for by the local people themselves. Collectors may be provided with lump sum grants in making presents to persons, who put through performances which produce tangible results in particular localities."

While it must be borne in mind that these are the recommendations of a Committee appointed by the Provincial Ministry and not the Legislative Assembly and are still merely recommendations which will be altered and toned down or rejected in part upon consideration and debate by the Legislative Assembly before enactment into law, the findings of the Committee are still typical evidence of the attitude which is held by many officials who favor prohibition.

The unrealistic attitude on the part of the Congress Ministry toward the problems and policies of prohibition is a favorite subject of parlor conversation in Madras. Supporters of the program appear to fall into three classes: those who sincerely believe in the value and effectiveness of prohibition, those who support it not out of deep conviction but out of loyalty to the Congress Party line, and those who hope to profit by the immense field for corruption which the complexities of prohibition enforcement provide. With the prevailing standard of political and official morality obtaining in South India, it may well be that the last-named group is more numerous than is evident to the observer.

Editorial reactions to the findings of the Committee varied with the political complexion of the newspaper. Even the staid Hindu, constantly pro-Congress, had difficulty in accepting the recommendations. The Hindu, on July 9, 1948, said in part:

> "Reading between the lines of the report submitted by the Committee which have studied the working of the prohibition of drink policy in the eight 'dry' districts, it is clear that the job of enforcement is getting more difficult as time goes on. The Committee have recommended that enforcement should be taken out of the hands of excise staff and
>
> entrusted

entrusted with ordinary police. The report shows that it is no longer safe to permit the drawing of sweet toddy and that those centres where jaggery is made have to be carefully watched for illicit distillation. In many villages, the people of the locality are anti-prohibition and the Committee actually propose the levying of collective fines and the stationing of punitive police in the area at the cost of the villages. Village officers are to be asked to take responsibility for reporting offences and are to be liable to dismissal if they fail to do so. More propagandists are to be employed and films and Kalakshepams* are to be used to demonstrate the virtues of temperance. The performances are to be paid for by the local people themselves! To prevent well-to-do persons from getting brandy on medical permit, the Government are asked to restrict licences to the sale of medicated wines and not to allow the doctors themselves to obtain brandy for their use in practice. Harsher punishments are to be meted out to offenders: all offences except drunkenness and possession of small amounts of liquor are to be non-bailable. Prohibition prisoners (who are now crowding the jails) are to be compelled to work on irrigation projects and the like and their earnings sent to their relatives. The Committee also lay stress on the general economic improvement of the people and imply that a vigorous rural uplift programme will help to wean people away from the drink habit by giving them better things to think about."

The editorial then went on to assure its readers that although the "vast majority" of people in Madras Province are in favor of prohibition it is unpopular with certain elements who will react against harsher punishment for violations and cause a vicious spiral of harsher punishments and increasing offences. The situation in the United States during prohibition was held up as a bad example of popular resistance to prohibition enforcement.

The Hindu further saw the inherent dangers to civil liberties contained in the Committee's findings. "The Government would be well advised not to be too hasty in their desire for strict enforcement -- forced labor, crowded prisons and collective fines on villagers are not characteristic of the methods of democracy."

The Madras Mail took expressed disapproval of the Committee's report. The Mail, under an Irish editor and without irons in the fire of local politics, has consistently opposed prohibition as being impractical, unenforceable and dangerous to the Government's fiscal situation.

The

* Discourses on Hindu theology.

The leading editorial in the Mail on July 8, 1948, is quoted below:

"PROHIBITION BY FORCE"

"Prohibition is unwanted. Even Congress enthusiasm for it has evaporated, and Ministers complain that the public are indifferent, if not actively hostile, to its enforcement. So prohibition is failing. That has been evident for months past. Instead of abandoning the experiment as being as worthless as it is costly, the present Ministry is trying to bolster it up, to enforce it by measures of the most cruel and drastic character. To discover what was needed in this respect it appointed a Committee to enquire into the working of prohibition in eight districts. We had early hints of the bias with which this Committee was undertaking its work in reports of its investigations in the designated districts. These showed that the Committee was as ruthless in its attitude towards those who, until recently, were law-abiding citizens as any minion of a totalitarian dictator could be.

"It is not surprising, therefore, to find the same tyrannical mentality in the Committee's report. Disregarding the advice of India's bigger statesmen to avoid fault-finding and get on with nation-building, the Committee makes grave allegations against Excise officers entrusted with the work of prohibition enforcement, and declares that 'the only satisfactory way of ensuring the efficient administration of the Prohibition law is to entrust enforcement to the general Police'. Emphasis, it says, should be laid on the prevention of offences -- as if this had not been the purpose, and task, of the costly enforcement and propaganda staff employed since the disastrous socio-political experiment was begun. 'Constant vigilance, intimate contact with villagers and leading men by officers and staff are essential', proclaims the Committee with the air of making a discovery. Has it forgotten the fervid pre-prohibition speeches of Congress leaders? Has it already to be reminded of the processions through villages, of the propagandist activities of Congress volunteers, of the pictures published of Ministers taking tea at the teashops established in what were formerly toddy taverns? Were these not proofs that the villages were being made aware of the coming of prohibition, and of the blessings it was supposed to bring. We doubt if there is a single adult in any village in the prohibition areas that has not heard all the Committee wishes him, or her, to know.

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"Though the Committee declares that emphasis should be laid on prevention, its own emphasis is on punishment. Thus it recommends, albeit obliquely, that lawyers should refuse their services to those charged with offences against the prohibition law. It would have lawyers pass sentence on those thus charged before the case has been heard in Court. Village officers should be made responsible for reporting prohibition crimes, and heavier, deterrent punishments should be awarded for prohibition offences. Our prisons are already crowded with men and women sentenced to what the average man thinks to be excessive punishment for trivial offences, but the Committee is not satisfied. It would have women torn from their families for longer periods; bread-winners taken from their homes, without thought of the consequences to those who are thus deprived of their earnings, for even longer periods than at present. And it would put every citizen at the mercy of informers and spies. Drunkenness is to be detected not by doctors but by laymen, instructed by leaflets, and their evidence is to be valid. Doubtful of the wisdom of its own recommendations, the Committee suggests that to protect the innocent public against harassment through foisted cases, power to stop proceedings should be vested in the appropriate authority. Who is to invoke such authority -- the penniless victim of another's spite? The prohibition enforcement personnel, anxious to prove its zeal, will not do so.

"Punitive fines on localities in which prohibition offences have occurred, the stationing of punitive police in localities 'where the conduct of the people is calculated to hinder the progress of prohibition, or to affect enforcement work,' the indeterminate detention of suspected habitual offenders against the prohibition laws, the refusal of licences or permits to owners of public conveyances who carry persons who have consumed, or are under the influence of liquor, these are other parts of the tyrannical scaffolding with which the Committee would have the failing experiment bolstered up. Its proposals are of a piece with much else that we have come to expect of the lieutenants of those who in our time are the Ministers of freedom in independent India. The Committee sugars its bitter pill, which believers in civil liberty will never willingly swallow, with familiar proposals for rural uplift work, for ameliorative activities, cottage industries, rural housing, lumpsum rewards for successful propagandists, schools, cooperative societies, electricity for villages, and the like.

"But

> But the gilt is thinly spread; it does not disguise the inherent tyranny of its preventive and enforcement proposals, or hide the fact that prohibition is being made the excuse for a most monstrous engine of repression of the individual, and the destruction of civil liberty."

A perusal of the summary of the findings of the Committee reveals a dangerous trend of thought on the part of the zealots who comprised the group. It is not clearly evident whether the dangers to civil liberties which the adoption of the report would bring into existence are intended to be such, or whether the zeal of the reformers causes them to overlook the dangers in their striving to obtain their desired goal. The consensus seems to indicate that the latter is the case. The Congress Party as a whole still pays somewhat more than lipeservice to the principles of democracy -- at least on the social level where the question of full freedom for the political opposition does not enter. It is still, however, not to be denied, that the provisions of the Committee's findings would, if enacted into law, provide many easy ways to dispose of political rivals and upstarts.

The severity of punishment suggested in the report can lead to anything but the desired effect. Fermented beverages are all too easy to produce in South India. Even with added multitudes put in prison over and above the numbers now serving sentences for prohibition offences, the enforcement officials could not check the production of illicit beverages. It is worth more to avoid such punishment; bribes would become larger and more tempting. The opportunities for graft, corruption and personal vengeance inherent in the recommendations of the Committee are almost limitless.

While admitting the danger of "foisted" cases under stricter enforcement and stronger penalties, the Committee recommends a safeguard which is in itself a danger to the whole program as well as being the genesis of a multitude of travesties upon justice. The Committee feels that there should be some authority empowered to stop proceedings on cases which are felt to be "foisted". The opportunity for bribery in this phase alone is likely to engage the attention of a fair number of "enterprising" officials.

It might be mentioned here parenthetically that the enforcement officials in one area, according to a reliable American missionary source, have corrupted their corruption. On one day they appear at the illicit stills, collect their "protection" money and then return the following day to arrest the unlucky still owner. This dual standard may be attributed to the present fluidity of the situation -- experience will undoubtedly teach the enforcement officials not to kill the goose that laid the golden egg. Not only are usual democratic safeguards of justice proposed to be hamstrung by coercing lawyers not todefend suspected offenders but the proposed provisions for the collective fines and punitive police constitute at the same

time

time two of the most straightforward and insidious dangers to the shaky structure of civil liberty in South India. Being straightforwardly opposed to democratic principles, they subvent any conceptions of a Bill of Rights and can only make for oppression, dissension and unrest. Insidiously they play into the hands of the Communists who are always ready to exploit the injustices of the present regime to further their aims of establishing their own totalitarian system.

The self-declared goal of the Committee in writing the report, however, is still to win the public's support by persuasion and education. The softer side, then, of prohibition enforcement is to be composed of what are called in South Indian prohibition jargon "counter attractions". The people are to hear ballad singers (some on the Government payroll) extoll the merits of temperance. Morality plays and dramas are to "uplift" the former "addicts" who, it is proposed, will pay for the dramas themselves, except that the District Collectors will have a fund at their disposal for subsidization of worthy and needy dramatical societies. Nepotism is a mild form of graft in any Government.

Again it will be borne in mind that the report of the Committee is only a proposal and the investigations conducted concerned only eight districts of the Province -- however, the proposal has been made, a Congress Ministry is in power with an overwhelming majority in the Provincial Legislative Assembly, Prohibition is a declared policy of the Congress Party Government and prohibition is to be extended to cover the entire province as of October 2, 1948. (See Consulate General's Despatch No.195 dated July 2, 1948, entitled: "Prohibition to be introduced in the remaining districts in Madras Province on October 2, 1948".)

Respectfully yours,

Robert B. Streeper
American Consul General

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THE FOREIGN SERVICE
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No. 247. AM 11 10.

DIVISION OF SOUTH ASIAN AFFAIRS

AMERICAN CONSULATE GENERAL

Madras, India, August 11, 1948

DEPARTMENT OF STATE
SEP 3 1948
DIVISION OF INTERNATIONAL LABOR, SOCIAL AFFAIRS - ILH

UNCLASSIFIED

SUBJECT: Postponement of the Extension of Prohibition to the remaining "wet" districts of Madras Province.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C., 25.

SIR: 845.114/7-2748

I have the honor, with reference to this office's despatch No.195 dated July 2, 1948, entitled "Prohibition to be introduced in the remaining districts of Madras Province on October 2, 1948", to report that following the visit of Prime Minister Pandit Nehru to Madras during the week-end July 24-27, the Madras Government appears to be wavering in its resolution to introduce prohibition in the remaining "wet" districts of this province. This morning's Hindu carries a notice that "it is learnt" that at a meeting of the Congress Legislative party last evening a resolution was adopted recommending the postponement of the extension of prohibition from October 1, 1948, to April 1, 1949. It is further stated that the postponement has been recommended "in view of the situation created in the districts bordering the Hyderabad State". The Commissioner of Police expressed to Consul Chalker recently his opinion that if prohibition is not extended to the whole province by the end of 1949 it probably never will be, and the portions of the province which are now dry may have prohibition removed from them.

Mr. Nehru's visit has apparently strengthened the stand of the anti-prohibition group in the Cabinet which, up to the time of the Prime Minister's expressing himself locally upon it, had been fighting a losing battle. Mr. Nehru is reported to have expressed on July 26 at a meeting of Madras Congressmen his happiness that the prohibition program was to be completed but to have warned them that if it was not possible to do it successfully it would be better to do it step by step rather than hastily.

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He said that it was not enough to feel happy over the introduction of total prohibition but it should be done gradually, effectively and to the satisfaction of all concerned.

These remarks presaged a reversion of the government's policy and the Prohibition Minister on July 30th stated to the Consul his feeling that the extension of prohibition would probably be postponed.

The Minister for Harijan Uplift was reported by the press to have stated at a public meeting of agricultural laborers in an obscure rural village two days ago that the extension of prohibition would be postponed by four or five **months**. This was probably premature, inasmuch as he denied next day having made such a statement. This morning's announcement of the party's resolution confirms what had already been suspected.

Editorial comment on the change indicates that the press has considered it a certainty for sometime. Hardly any of the journals appear wholeheartedly to approve of the extension of prohibition and some congratulate Mr. Nehru on his good sense and Premier Ramaswamy Reddiar on his courage in reversing the position. Those editorial writers who have opposed extension have based their opposition generally on the loss of revenue, the difficulty of enforcement, and interference with individual liberty. The Sunday Observer of August 8, 1948, in opposing prohibition as it has opposed other restrictions of civil liberties sounds a note of warning:

> "The province might get the doubtful distinction of leading India in the matter of prohibition. But it will have attained the distinction of leading other provinces and States in the denial of civil liberty and an undermining of the judiciary, the consequences of which are fatal to the freedom of the individual."

That the government is experiencing difficulty in enforcement of prohibition is indicated by an announcement by Mr. Bhaktavatsalam, Minister for Public Information, at a public meeting on August 9, as reported in the Madras Indian Express on August 10, 1948, that there was a congestion in the jails because of a plethora of prohibition offenders. This morning, the Hindu reports that four thousand prisoners will be released by the Madras Government on Independence Day. This is being reported separately in third person despatch No.246 of August 11, 1948.

Respectfully yours,

Robert B. Streeper
American Consul General

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Copy to American Consulate General, Bombay
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THE FOREIGN SERVICE
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ACTION
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AMERICAN EMBASSY

No. 1024

UNCLASSIFIED

New Delhi, India, September 3, 1948.

Subject: Press reaction to proposals for suspending enforcement of prohibition in India.

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON, D. C.

SIR:

I have the honor to refer to information previously submitted by the Embassy and the Consulates General regarding the progressive enforcement of prohibition in India, and to transmit below a summary of press reactions to the proposal that this program be suspended as one means of combatting inflation.

An editorial in the Hindustan Times of August 31, 1948 says:

> "We are not surprised at the report that the economists called for consultation by the Government of India with respect to inflation have recommended the postponement, if not the abandonment, of prohibition policies. Under British rule, prohibition was opposed on the ground that the excise revenue was one of the main pillars of provincial finance, but the Congress, under the leadership of Mahatma Gandhi, refused to listen to that argument and for more than a generation has made prohibition an important item of its social reform program. . ."

The editorial assumes the reported proposal to be based on the argument that "excise revenue constitutes a valuable method of withdrawing purchasing power in the hands of the agricultural and industrial workers which is one of the basic causes of inflation." It is stated that the provincial governments derive about 330,000,000 rupees ($100,000,000) from this source, and that the money spent for liquor is at least three times that amount. Admitting that the release of this purchasing power will have an inflationary effect, the paper advocates that part of it be absorbed by readjustment of sales taxes and other taxes, together with voluntary or compulsory savings. Of the balance, it is claimed that agriculture will benefit since the peasants will invest part of their savings in better farming.

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"We are aware," continues the Hindustan Times, "that those who are opposed to prohibition on grounds of public finance are also distrustful of its moral and social aspects. They forget that, in India, the drink bill is paid mainly by those who are at the bottom of the social scale and this acts as a permanent drag on their emancipation. . . . To insist that the landless laborer and the factory worker should waste half their earnings in drink in order to fight inflation seems to be a complete distortion of all values, moral, political and economic. . . Any slackening of the program in the various provinces will result in the weakening of the moral fiber of the Congress ministries and the parties behind them. Their morale has already been subject to heavy strains . . . If they now find plausible arguments to go back on their pledge, repeated year after year for a generation, the loss of popular confidence will make it more difficult to face the economic crisis than the loss of the excise revenue."

An opposing view to some of the above contentions had been taken previously in the Eastern Economist of August 20, 1948. This influential weekly admits that prohibition is a creed of the Congress Party, and that therefore a claim might be made that prohibition has a mandate from the people. "But how sure is this ground? The Congress Party stood for many things of which India's freedom came first and prohibition almost nowhere, except in the minds of a few grand souls, like Mahatmaji, as well as of a few small and timid people . . Who will deny that the Congress Party came to power because there was no other organized party capable of opposing it and that even if it had been violently anti-prohibitionist it would have come in with precisely the same majority?"

In referring to the loss of excise revenue if complete prohibition were adopted, the article contends that there has not been "the faintest constructive suggestion as to the means by which this deficit is to be met. . . The total yield of sales taxes in all the Indian provinces today is roundabout 275,000,000 rupees. Can the provinces hope to step this up adequately to compensate for the loss of excise revenue, without taxing essential items of consumption at penal rates and pushing up in various ways prices in which the poor man after all has the highest stakes?"

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"It will be contended by those who have not taken even the trouble to ascertain the facts that increased efficiency in labour as a result of prohibition will offset inflationary effects firstly, by increasing production and secondly, by shifting consumption to less wasteful ends. At the present time there is little that labour can buy with the money saved, and the whole saving has in any case been absorbed in increases in prices which are again a cause of higher prices. How is the labourer better off? Has he been given housing, or more clothes, or more education or more of anything which really contributes to his welfare? We have not got these things to give; how then can he benefit from the change except to the extent that non-drinking is a supreme virtue in itself?"

An editorial in the Statesman of September 2, 1948 remarks that economic considerations had very little to do with giving up prohibition in the United States, but that "economists and industrialists whom the Government of India lately took into consultation are reported to have recommended suspension /of prohibition/ for economic reasons. This may make prohibition's advocates only more determined and though we disagree with them we cannot help feeling some sympathy especially as an argument now seemingly advanced against them shows that in one respect they were right: prohibition has increased the people's spending power. Idealists are suffering one blow after another . . .

"However, to give up Rs. 32 crores of revenue, most of it irreplaceable, is in present circumstances not harmless folly but fiscal lunacy. East Punjab seemingly has already recognized the compulsion of circumstances and intends to hold up its prohibition program. . . That will not be popular with Congressmen in Madras who recently overruled their Parliamentary Party executive on this point nor in Bombay, but it is likely to be more acceptable than giving up the experiment altogether and letting former addicts slip back into their old ways."

The Hindustan Times of September 3, 1948 gives a summary of anti-inflation recommendations made to the Government of India by industrialists, economists and other groups. Among the recommendations attributed to the industrialists is that: "Irrespective of the merits

of the prohibition policy, its implementation should be delayed or suspended to enable provincial Governments to restore budgetary equilibrium." No other specific reference to prohibition in these recommendations was reported by the local press, although the Indian News Chronicle of September 3, 1948 states that "Avoidance of expenditure on social services in the immediate future and delaying or suspension of prohibition are two other suggestions that have found favor among more than one set of representatives consulted by the Government."

Respectfully yours,

Howard Donovan
Charge d'Affaires ad interim

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Copies to all consular offices in India.

THE FOREIGN SERVICE
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ACTION
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No.287.

AMERICAN CONSULATE GENERAL

Madras, India, October 18, 1948

File 845
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SUBJECT: Extension of Prohibition to the remaining "wet" districts of Madras Province including the City of Madras.

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THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON, D.C., 25.

SIR: 845.114/8-1148

I have the honor, with reference to this office's despatch No.247 of August 11, 1948, entitled "Postponement of Extension of Prohibition in the remaining wet districts of Madras Province", to report that after a considerable period of indecision the Madras Government has finally extended prohibition as of October 2, 1948, to the remaining wet districts of this province including the City of Madras. These districts are as follows: Vizagapatam, East Godavari, West Godavari, Krishna, Madras City, Chingleput, South Arcot, Ramnad and Tirunelveli. They include the area which lies generally to the immediate south and west of Madras City and northwest as far as Hyderabad and Orissa. Madras Province thus becomes the first province in India to go completely dry in accordance with the longstanding principles of the Congress Party.

It was stated in the reference despatch that on August 11th the Congress Legislature Party had decided against the extension of prohibition. This, however, was not quite correct. The group which on August 11th made this decision was only the Executive Committee of the Madras Legislature Congress Party. The decision was recommended for adoption to the full membership of the Legislature Party on August 21st and during the following three days the recommendation was discussed with considerable heat and some acrimony. The Cabinet, led by the Premier, Mr. O.P. Ramaswami Reddiar, was against the extension, pleading the loss of revenue, the tense situation in Hyderabad State, the preoccupation of the police with Communist activities, and the need to wait and see how prohibition would work in the districts already dry. A motion was

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was put in the meeting to postpone a final decision until the heads of the district Congress Party committees and other local officials could be canvassed. Certain spokesmen for the legislators present, however, argued that they were as representative of the public opinion as the heads of the District Congress Committees and demanded an immediate decision. The Premier repeated his explanation of the difficulties of extension, but acquiesced in the demand and a vote was taken. An overwhelming majority of those present, who numbered about 100, are stated by the local press to have voted in favor of extension. Rumors have since been heard that it had been the hope of the Premier to marshall more anti-prohibition members to support him in opposing the extension. In some quarters it has been stated that the antis were not present during the August 21st-23rd meeting because they expected no final decision would be taken.

It is noteworthy that these decisions, first not to extend and then to extend, were made at times which coincided with the visits of Pandit Nehru and the Governor-General to Madras. The first decision was made shortly after Pandit Nehru's advice to the provinces to go slow and look carefully to their finances. The second decision was made two days before the arrival of the Governor-General and some uncharitable souls have said that it was an attempt of certain local Congress groups to curry favor with him. Even after the decision had been taken by the full Congress Legislature Party, the Premier of this province visited New Delhi, returning on September 21, so the Madras Mail for that date says, with the news that the Central Government had impressed upon him the advisability of postponing the extension of prohibition because of the inflationary conditions in the country. The Mail continues:

> "He [the Madras Premier] seems to have told them that it was too late for the Madras Government to retrace their steps, having also increased the percentage of the sales tax to make up the loss on account of prohibition. . . . The Central Government had, however, told him not to look to them for financial assistance to make up the loss of revenue."

The Prohibition Minister on the same day admitted at a meeting of the representatives of social service associations that the government was not entirely prepared to introduce total prohibition but that public opinion was very strong in the districts which would come under it.

Therefore, despite this unpreparedness and Central Government's warning that no fiscal help could be expected, prohibition was introduced in the City of Madras and the remaining eight other wet districts of the province on October 2nd. Ceremonies were held in the principal villages of the new districts, toddy shops were closed, licenses to deal in alcoholic beverages were withdrawn and the demon of drink was burned in effigy in many places. Tea shops were opened in considerable numbers and various alternative entertainments were provided. The city was quiet on the night before the introduction of prohibition and it is not believed that a great number of the population has been affected.

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The Madras Government determined to issue permits to non-Indians for a limited amount of alcoholic beverages for their personal consumption. Persons and firms who hold stocks were instructed to turn them over to the government which would attempt to sell them before January 2, 1949, returning the proceeds of the sale to the original holders. If such a sale is impossible the stocks will be destroyed. The government will be the sole distributor of alcoholic beverages.

A system of permits to hold and consume alcoholic beverages has been established for the benefit of three classes of persons considered to be non-Indian, partially Indian or hopelessly addicted to drink. There is attached a press note of the Madras Government dated September 29, 1948, which gives the details of the issuance of these permits. Americans are included among the category of Europeans. It is particularly noteworthy that permit-holders are to be allowed, according to their status, a maximum of 8 units per month but that they may have in their residences at any one time a maximum of only 4 units. One unit, as set out in the permit, represents one quart bottle of spirits or 3 quart bottles of wine or vermouth or 12 quart bottles of beer, cider, etc. The social clubs in Madras which have entirely or partially European memberships are permitted to have limited supplies of alcoholic beverages and the members who hold licenses will be permitted to buy drink as they would in an ordinary bar. Indian members of the clubs, however, will not be permitted such purchases nor can permit-holders buy drinks for them. Just how a permit-holder was to be prevented from consuming his 8 units at home and a further 8 units, if he chooses, at his club is, according to the Prohibition Minister, under examination by the government.

The position of American consular officers and American members of the staff vis-a-vis to the Prohibition Act will be dealt with in a separate communication.

The Madras Government in the October 1st issue of its fortnightly publication Madras Information has given considerable space to the inauguration of prohibition. Arguments in its favor, familiar to most Americans during the period 1919-1933, have been repeated. Certain differences between the situation in the United States and India have been pointed out, however, and the Department may be interested in them. The example of the ultimate rejection of the prohibition in the United States is not considered a valid argument against it in this country. It is pointed out that the habit of drinking in America is much more widespread than in India, that it is more of a social habit in America than in India, and that no stigma is attached to drinking in America. On the other hand, "the two great religions in India, Hinduism and Islam, stand for abstinence from drink". It is admitted that public co-operation is absolutely necessary for the success of prohibition and that responsibility devolves on the community as a whole to see that prohibition succeeds.

The

The real problem of the drink habit, according to Madras Information, is that it is widely indulged in by the persons who are least able to afford it. This is largely true. Persons in South India who drink fall roughly into two classes: (1) the well-to-do who drink spirits, mostly, and who are well able to afford it, and (2) the heavy laborer whose pay ranges from Rs.20/- to Rs.90/- ($6.00 to $27.00) a month, who drinks "toddy" (the fermented sap of the palm tree) and who definitely cannot afford it. Such a heavy laborer who drinks a pot or two of "toddy" every evening can easily spend between 35 and 50 percent of his income in this manner. While many claim that toddy is food and he gets some nourishment out of it, it is difficult to deny that the families of such men must inevitably be deprived of a sizable portion of the already too meager income of its principal earner. The Prohibition Minister admitted to Consul Chalker about three weeks before the extension of prohibition that hardly 10 percent of the population of the province were drinkers and that it would be impossible to stop them all from drinking. He thought, however, that a half of this 10 percent would be saved from squandering their money, and that prohibition was for this reason worth while.

It is impossible at this stage to determine what the financial loss to the provincial treasury will be. Estimates of the loss in excise revenue vary from Rs.165,000,000 to Rs.180,000,000 ($49,500,000 to $54,000,000); but it cannot yet be estimated what the cost of enforcement will be. Total enforcement will be impossible. Certain areas of the Telugu country to the north of Madras are inhabited by extremely primitive tribes and the task of any enforcement in this area would be an extremely difficult if not a dangerous one. It can be likened to that of the "revenooer" in the hills of Kentucky and Tennesse. In some other areas unfermented toddy as well as fermented toddy forms a large part of the diet of villagers. Furthermore, in a hot climate such as prevails in South India there are many ways in which nature helps to create an alcoholic beverage and she thus assists the prohibition violator.

Another problem will be the unemployment of the men who once collected sap from the palm tree. These men, known as "toddy tappers", belong to one of the lowest castes in this province, have only been accustomed to collect the juice of the palm from a specified number of trees each morning and evening and it would be almost impossible to reorient them to other occupations. The government has practically washed its hands of the problem of their relief though the City of Madras is taking a few temporary relief measures. Estimates of their number vary between 4,500 and 12,500, and with their dependents the number of persons who might well become destitute may reach 50,000.

In Madras City public reaction to the extension of prohibition has been lethargic. The Minister for Prohibition, upon returning from a recent tour of rural districts, however, states that great enthusiasm for prohibition exists in the new prohibition areas. But he perhaps overstated the case when he said on October 6th

"I should

"I should say they are even mad about it".

Editorial reaction has been only slight but this is perhaps due to the fact that the press has already said in weeks past all it had to say about it. It is noteworthy that the Madras Cabinet was obviously reluctant to carry the program through just yet. Some quarters feel that the opposition within the Congress of the present ministry has forced extension of prohibition on the administration hoping that it will fail and that the ministry would fall. The criticism that prohibition will fail is probably true. But it can hardly be seriously believed that it will cause a collapse of the ministry. It is possible that by-products of prohibition -- such as the collapse of the fiscal program resulting from the loss of revenue, or attempts to recoup the loss from other sources thereby antagonizing a considerable section of the business community -- may speed the downfall of an already shaky ministry. But it is not believed that prohibition in and of itself would bring this about.

The area between legislation and enforcement is a very wide one in South India and those well-to-do persons who drink spirits and are the influential ones will be only slightly inconvenienced. The heavy laborer who is almost always low-caste and uninfluential will have a very small voice indeed in any attempt to turn out a ministry on the question of prohibition.

Respectfully yours,

Robert B. Streeper
American Consul General

Enclosure:

Five copies of Press Note No.221 dated September 29, 1948.

811.4
RPChalker:mp

Original and hectograph to Department
Copies to: American Embassy, New Delhi
American Consulate General, Bombay
American Consulate General, Calcutta.

GOVERNMENT OF MADRAS.
Public Works (Information & Publicity) Department.
***
Press Note No.221, dated 29th September 1948.

PROHIBITION - PERMITS TO POSSESS FOREIGN LIQUOR FOR PERSONAL CONSUMPTION AND LICENCES TO NON-PROPRIETORY CLUBS.

When Prohibition is extended to the districts of Viziagapatam, East Godavari, West Godavari, Krishna, Madras, Chingleput, South Arcot, Ramnad and Tirunelveli with effect from 2-10-1948, no person in these districts can possess foreign liquor including Indian made foreign spirits for personal consumption without a permit issued by the Board of Revenue (Excise), Madras, under section 20(a) of the Madras Prohibition Act. Europeans of the age of 21 and above whether officials or non-officials will be given permits on application. As regards Anglo-Indians and Indians no permits will as a general rule be given but in the case of those who are not in Government service and who are above 55 years old, Government may consider exceptional cases. The maximum quantity of foreign liquor that will be allowed to be possessed at a time and in a month is given below:

	At a time	In a month
Non-Domiciled Europeans	4 Units	8 Units.
Domiciled Europeans	3 "	6 "
Indians and Anglo-Indians	2 "	4 "

(One unit represents one quart bottle of Whisky, brandy, gin, rum or other kinds of spirit including liquors or 3 quart bottles of wine or vermouth of 12 quart bottles of beer or cider).

Applications for permits to possess foreign liquor for personal consumption should be made through the Collector of the District in which the applicant resides. The application should contain the following particulars:

1. Name and correct address:
2. Age:
3. Community i.e., whether European, Non-domiciled or domiciled, Anglo-Indian or Indian:
4. Status:

Each applicant should specify in his application the number of quart or pint bottles of each kind of liquor (i.e., Whisky, Gin, Wine, Beer etc.,) to be possessed by him at any one time subject to the maximum limits referred to in the first paragraph. Each application should be affixed with a court fee label of the value of one anna. Persons who come from outside the Province may apply to the Assistant Secretary, Board of Revenue (Excise), Madras, for permits if their stay in the Prohibition area is likely to exceed one week.

Collectors of the districts concerned will, on receipt of an application, forward it to the Board with their recommendation. The Board will grant the permits and forward them to the Collectors concerned for delivery to the applicants on collection of an annual fee of Rs.20/- for each permit. The permits will be issued for one year from the date of issue. Applications for renewal of permits should be made to the Collectors concerned one month before the date of expiry of the permits.

If permits for possession of foreign liquor for personal consumption are not received by the applicants before 2-10-1948, they should deposit the stock of foreign liquor and Indian made foreign spirits with them with a Revenue Officer not below the rank of a Deputy Tahsildar or a Prohibition Officer not below the rank of an Assistant Prohibition Officer and take back the stock on receipt of the permit. In the case of those who do not get permits, the stock with them should be surrendered to the officers referred to above except liquor in open bottles which should be destroyed. Sealed bottles surrendered will be sold and the sale proceeds paid to the persons concerned. If, however, the liquor can not be sold within a period of 3 months, it will be destroyed.

ISSUED BY THE DIRECTOR OF INFORMATION & PUBLICITY (IN CHARGE).

AD.29/9.

Enclosure to Despatch No.287 dated October 18, 1948, from American Consulate General, Madras, India, entitled: "Extension of Prohibition to the remaining wet districts of Madras Province including the City of Madras".

NO. 64

AMERICAN CONSULATE GENERAL

Bombay, India, December 6, 1948.

DIVISION OF SOUTH ASIAN AFFAIRS
DEC 27 1948
Department of State

ACTION is assigned to

UNCLASSIFIED

SUBJECT: Editorial Criticism of Prohibition Policy in India.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to efforts of the Congress Governments in the various Indian Provinces to institute measures prohibiting the sale or manufacture and consumption of alcoholic beverages.

As the Department is no doubt aware, this policy has met with little public approval and has engendered considerable active and vocal opposition. While the Government of Bombay has been somewhat less active in its attempts to achieve total prohibition than, for example, Madras, Premier Kher has publicly stated that the Government of Bombay does intend to proceed with its plans for the institution of complete prohibition despite suggestions a few weeks ago from Prime Minister Nehru that a "go slow" policy would be appropriate. Premier Kher explained that since the Government of Bombay did not require funds from the Government of India to implement the prohibition policy, the Provincial Government therefore felt justified in ignoring the Prime Minister's suggestion. Parenthetically, the Government of Bombay also simultaneously complained that a loan from the Central Government to assist in the Bombay Government housing scheme was inadequate.

Press comment in criticism of the Government's prohibition policy has been unanimous, regardless of the political complexion of the various organs; excluding, of course, Congress Party publications. Scarcely a day goes by without some direct or indirect reference in the local press to the

prohibition

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prohibition policy. The most critical of such comments recently was that contained in an editorial in the Times of India of November 30,1948 in which the editor states, commenting on the proposed Madras legislation to levy collective fines in areas where prohibition is not yielding satisfactory results.

> "It would perhaps be more to the purpose if, instead of this sort of periodic and progressive accession of legal savagery, the Governments concerned would, once for all, declare drinking to be a capital crime with confiscation of property; and if the incorrigible tippler is hanged while in a blissful state of alcoholic oblivion or elation, justice will have been tempered with mercy. Both the evil of drink and the benefits of prohibition are grossly and sedulously exaggerated to justify a preconceived programme based on bigotry and intolerance".

The editorial referred to has been gleefully received by the members of the European community with whom consular officers have conversed, and by a great number of Indians as well.

Respectfully yours,

Clare H. Timberlake
American Consul General

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Original and hectograph to the Department.

Copy to: American Embassies, New Delhi, Karachi and London
American Consulates General, Calcutta and Madras

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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DIVISION OF SOUTH ASIAN AFFAIRS
FEB 23 1949
Department of State

BOMBAY, INDIA

DATED: February 18, 1949

RECD: Feb 23, 1949, 10:16 a

UNCLASSIFIED

Secretary of State,
Washington, D.C.

A - 98, February 18, 1949

The Director of Publicity, Government of Bombay, has stated in a press note of February 15 that the Prohibition Department of the Greater Bombay Area Police arrested 119 persons in connection with prohibition violations during the week ending February 3. During the same period, 166 gallons of illicit liquor and 5,143 gallons of wash (mash) were confiscated.

Prime Minister Nehru some time ago advised the Provincial Ministers to "go slow" in putting into effect prohibition policies, but the Government of Bombay promptly announced its intention to continue with its original program. The official figures cited above are some indication of the efforts being made by the Government to enforce prohibition and, isolated though they are, give some indication of the attitude of the public in opposition to the Government's policy.

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American Consulates General, Calcutta and Madras

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PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

ACTION
is assigned to

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NO. 90

AMERICAN CONSULATE GENERAL

Bombay, India, March 1, 1949

~~RESTRICTED~~

SUBJECT: Prohibition Legislation in Bombay.

rec'd by mr Bennett

C. UNITED NATIONS AFFAIRS

MAR 10 1949

file 845.044

DEPARTMENT OF STATE

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

XR 845.044

SIR:

I have the honor to refer to the Consulate General's despatch no. 645, dated December 6, 1948, which reported, inter alia, the intention of the Government of Bombay to proceed with its plans to implement a prohibition policy. Reference is also made to the Consulate General's A-98, February 18, 1949 reporting prohibition enforcement statistics for a representative one-week period under that statutory authority presently existent. A particularly trenchant editorial from the Times of India of February 24, 1949 criticizing the proposed legislation, which it is believed will be of interest to the Department, is attached hereto.

On February 19, 1949, Mr. L.M. Patil, Minister for Excise, Government of Bombay, introduced into the Bombay Legislative Assembly a contemporary Mosaic Code designed to enforce total prohibition in the Province by April 1951. This, Mr. Patil stated, (presumably as an argument in support of the bill), would deprive the provincial exchequer of Rs. 120,000,000 annually. This comprehensive item of legislation completely overhauls the existing laws relating to alcoholic beverages, and to intoxicating drugs and narcotics as well. When passed, as it undoubtedly will be, the legislation will be known as the Bombay Prohibition Act, 1949, and it will replace all excise laws relating to these drugs and liquors presently in force. Running into 53 pages, the bill is divided into 148 clauses, covering definitions, prohibitions, controls, regulations, exemptions, duties of enforcement officers and penalties.

The "Ten Commandments" of the proposed legislation, as the Minister of Excise described them, are that no person

shall:

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shall: produce, manufacture, possess, export, import, transport, buy, sell, consume or use liquor - except when permitted under the provisions of the legislation. Recognizing that certain individuals require limited quantities of alcoholic beverages, since "the health of such person shall be seriously and permanently affected if not permitted to use or consume such liquor", and that certain persons born and brought up or domiciled in any country outside India where liquor is generally used or consumed - - where such a person is on the Register of Foreigners and "such person has been residing and intends to reside in India temporarily" - - will retain those habits of their native lands, certain exemptions are made. These exemptions are to be in force for a six-month period, after which they will be greatly curtailed or entirely invalidated. Provision has also been made in the bill for the issue of permits for the sale of foreign liquor to managers of dining cars on railways, captains of coastal steamers, and shipping companies.

Diplomatic and consular privileges have also been taken into consideration. Special permits will be issued for the use or consumption of foreign liquor to sovereigns of foreign states or to ambassadors or diplomatic envoys or consuls of a foreign state, or to the consort or any member of the staff entitled to the diplomatic privileges of such sovereign, ambassador, envoy or consul. Such permits will not be transferable under any circumstances, and no holder of such a permit will allow the use of liquor to any person who is not a permit holder. Further, no holder of such a permit shall drink in a public place or in the rooms of a hotel or institution to which the public may have access.

As for the official entertainment of others, a suggestion, in apparently serious vein, was recently made in the Dominion Parliament that the drinking of tea be prohibited; food control regulations already prohibit the serving of food to more than twentyfour persons; several people in Poona recently died after partaking of "nira", the Government-sponsored non-alcoholic beverage.

The proposed prohibition legislation should do much to promote the solidarity of the consular corps in Bombay.

Respectfully yours,

Clare H. Timberlake

Clare H. Timberlake
American Consul General

Enclosure:

Despatch no. 90
March 1, 1949
Bombay, India.

Enclosure:

Editorial from Times of India,
dated February 24,1949.

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Original and hectograph to the Department

Copies to: American Embassies, New Delhi and Karachi
American Consulates General, Calcutta and Madras

RESTRICTED

Times of India. 24 February

Enclosure to despatch no. 90 dated March 1, 1949 from Clare H. Timberlake, American Consul General, Bombay, India, entitled " Prohibition Legislation in Bombay".

TIMES OF INDIA- Feb. 24, 1949

A THOUGHT FOR TOMORROW

Having apparently fermented over criticisms of his draft Prohibition Bill, Bombay's Minister for Excise and Reconstruction introduced the measure to the Provincial Legislative Assembly with explosive vigour. Fair enough, so long as the advocate refrains from confusing the issues, but Mr. L. M. Patil, perhaps "intoxicated by "the exuberance of his own "verbosity" and conscious of a weak case, sought to identify objection to certain savage and inexcusable features of this proposed enactment with opposition to prohibition itself. Of such no doubt are political tactics; and with an obedient majority ready to make the required noises almost anything can be made to have the appearance of reason. Despite this and fortunately for the good name of our legislators, voices from among them have since been raised to deprecate the severity of penal provisions and to question the wisdom, to put it mildly, of the powers it is proposed to confer on various types of officers. To judge by some of the more sycophantic comments made both within and without the House, emergency measures have been so long in force during the war and since, that the very sense of civil liberty and the democratic rule of law has been numbed. It is the fault not of the popular Governments but rather of those who have sought to make licence of liberty that so many drastic measures have remained on the statute book and even been enhanced in the interests of public order and national stability, but it will be a tragic end to democratic ambitions if the exception becomes accepted as the rule—if resistance to right or left-wing totalitarianism by special executive powers creates the very type of government it is sought to prevent.

Having regard to the obstinate devotion of the Provincial Ministry to a process which even the prohibition-minded Central Government have asked them to postpone, it is natural that defence should be as vigorous as criticism; perhaps human that an unconvincing case should be bolstered by bluster and veiled by vituperation—natural and human but not in the best of taste. It is the attitude of the bigot which im-

temperance but they fear with just cause that, as Tacitus once wrote, "things "forbidden have a secret "charm." But whether to take the risk and try prohibition is one question; how to set about it quite another. "The prohibi-"tion law", said an American lady, "written for weaklings and "derelicts, has divided the na-"tion, like Gaul, into three parts "—wets, drys and hypocrites". A President of the United States further remarked that "there "are conditions relating to its "enforcement which savour of "a nation-wide scandal. It is the "most demoralising factor in "our public life." But India, let us remember, is different. So widespread and deeply rooted is popular support for prohibition that its enforcement requires what even Mr. Patil describes as "vigorous, ruthless and all-em-"bracing" legislation allied to "propaganda, education and re-"creational activities," and the attribution of preposterous powers to an army of supposed angels. The credulous are further asked to discount criticism of such legislative extravagance on the unique plea that Government would only resort to the punitive extremes permitted them—and that more in sorrow than in anger—if all else failed. As an argument in favour of legislative excess that is at least unique. To talk of persuasion while clasping a bludgeon is an unhappy augury for the future. If it can be successful at all, prohibition can only emerge as an asset by its application not arousing even more opposition by its processes. Although the country's needs would be better served by concentration at this stage on more imperative needs, let prohibition be given a fair trial in a democratic way if that is indeed the majority view, but we trust the promoters who blamed the disasters of decontrol on everyone but themselves, will take any blame as quickly as they will claim credit. The question of foreigners is of minor consequence. If they do not like the law of the land they live in, they at least can go elsewhere. Only when, and if at all, their technical or other services or their presence as tourists may be desired can they call the tune. Perhaps, who knows, the India of the future, by offering salaries on a scale as yet unimagined, will be able to build up a teetotal army of all nationalities which might subsequently man the United Nations. Time, as they say, will tell.

of penal provisions and to question the wisdom, to put it mildly, of the powers it is proposed to confer on various types of officers. To judge by some of the more sycophantic comments made both within and without the House, emergency measures have been so long in force during the war and since, that the very sense of civil liberty and the democratic rule of law has been numbed. It is the fault not of the popular Governments but rather of those who have sought to make licence of liberty that so many drastic measures have remained on the statute book and even been enhanced in the interests of public order and national stability, but it will be a tragic end to democratic ambitions if the exception becomes accepted as the rule—if resistance to right or left-wing totalitarianism by special executive powers creates the very type of government it is sought to prevent.

Having regard to the obstinate devotion of the Provincial Ministry to a process which even the prohibition-minded Central Government have asked them to postpone, it is natural that defence should be as vigorous as criticism; perhaps human that an unconvincing case should be bolstered by bluster and veiled by vituperation—natural and human but not in the best of taste. It is the attitude of the bigot which imparts into this controversy so much unnecessary heat and blinds the protagonists of prohibition to the disrepute into which not their object but their methods threaten to bring democratic government and the rule of law. Wishfully, they convince themselves that all opposition springs from vested liquor interests, that Indians are basically different from their fellow human beings, and that critics are cynically indifferent to the suffering and degradation liquor can and has caused. These are the sort of delusions whence spring much of the apparent lack of co-operation and misunderstanding about which many leaders have lately complained. Ministers of Government are entitled to their palpably sincere belief in the idea of prohibition: those who regard their view as merely springing from prejudice do them stupid injustice. Equally, however, there are those genuinely opposed on principle and in the belief that the cure will be far worse for the country than the disease. Government have no more right to deny respect to that opinion.

Few save the selfish among those who oppose prohibition would deny the need for rigid liquor control and exacting

only resort to the punitive extremes permitted them—and that more in sorrow than in anger—if all else failed. As an argument in favour of legislative excess that is at least unique. To talk of persuasion while clasping a bludgeon is an unhappy augury for the future. If it can be successful at all, prohibition can only emerge as an asset by its application not arousing even more opposition by its processes. Although the country's needs would be better served by concentration at this stage on more imperative needs, let prohibition be given a fair trial in a democratic way if that is indeed the majority view, but we trust the promoters who blamed the disasters of decontrol on everyone but themselves, will take any blame as quickly as they will claim credit. The question of foreigners is of minor consequence. If they do not like the law of the land they live in, they at least can go elsewhere. Only when, and if at all, their technical or other services or their presence as tourists may be desired can they call the tune. Perhaps, who knows, the India of the future, by offering salaries on a scale as yet unimagined, will be able to build up a teetotal army of all nationalities which might subsequently man the United Nations. Time, as they say, will tell.

ACTION
is assigned to [redacted]

NO. 139

AMERICAN CONSULATE GENERAL

RESTRICTED

Bombay, India, March 21, 1949

RECEIVED
DEPARTMENT OF STATE
1949 MAR 28 PM 3 27
DIVISION OF
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SUBJECT: "The Last of the Wet Years".

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DIVISION OF SOUTH ASIAN AFFAIRS
APR 12 1949
Department of State

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to report that, in pursuance of its policy of introducing total prohibition from April of 1950 (not 1951 as had previously been announced), the Government of Bombay has finalized excise arrangements for the year 1949-1950.

Effective April 1, 1949, there will be four dry days per week in Bombay. The existing hours of sale will, however, be continued. The ration of country spirits - the indigenous insidious beverage - and the number of toddy trees to be tapped will be reduced to 25% of the 1945-46 figures. As regards foreign liquor, licenses of existing shops will be continued on the condition that those shops will not store larger quantities of such liquor than is required for trade up to March 31, 1950. All stocks remaining unsold on the night of that date will be confiscated to the Government without compensation. March 31, 1950, therefore, presumably will be the last and most alcoholic of the wet days.

The transport, import and export of foreign spirits will be prohibited except under a permit. The limit of transport, import and export, without a permit, of wine and beer will be fixed at one quart bottle and three quart bottles, respectively, or at existing limits, whichever is less. The limit of possession, without a permit, of foreign liquor will be fixed at two quart bottles of spirit, two quart bottles of wine and eight quart bottles of beer.

There will be a further cut of 25% from the actual consumption of 1945-46 or half of the quota fixed for 1948-49, whichever is less. A reserve quota of 15% of the consumption of 1945-46 will be kept with the Commissioner

of

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DMR
APR 15 1949

Despatch no. 139
March 21, 1949
Bombay, India.

of Excise for issue to selected chemists for sale for medicinal purposes - thus providing a fillip to the business of "selected" chemists and members of medical profession. The time is probably not far distant when members of the Consulate General, in common with many others residing in Bombay, will be classified as "addicts".

Respectfully yours,

William Witman II

William Witman II
American Consul

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Original and hectograph to the Departmen t

Copies to: American Embassies, New Delhi, Karachi and London
American Consulates General, Calcutta and Madras

RESTRICTED

ACTION
is assigned to [redacted]

NO. 186

AMERICAN CONSULATE GENERAL

Bombay, India, April 14, 1949

UNCLASSIFIED

SUBJECT: Bombay Citizens Granted One Dram of Liquor
1—1055

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to transmit rules and orders issued by the Revenue Department, Government of Bombay, pertaining to carrying and possession of spirituous beverages in the province.

The Government of Bombay was "pleased to direct" the people of Bombay to carry not more than one dram of brandy, whiskey, rum or gin without a pass. Persons may carry two "reputed quarts" of these beverages or wines, and eight quarts of beer, provided they have a license issued by a recognized agency. It is not clear whether the individual may possess more than the quantity he may carry.

Since April 1 when the new prohibition orders came into force, the Excise Department has issued ample permits to Consular employees for the liquor in their possession.

A copy of the Bombay rules and orders of the Revenue Department is attached.

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Respectfully yours,

Clare H. Timberlake
American Consul General

Enclosure:

Copy of Revenue Department Rules and Orders

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FILED
MAY 24 1949

NO. 186

Despatch no. 186,
Bombay, India,
April 14, 1949.

Original and hectograph to the Department

Copies to:

American Embassy, New Delhi.
American Consulates General, Calcutta and Madras.

UNCLASSIFIED

Enclosure to Despatch no. 186 dated April 14, 1949 from Clare H. Timberlake, American Consul General, Bombay, India, entitled "Bombay Citizens Granted One Dram of Liquor".

Copy/df

REVENUE DEPARTMENT
Bombay, Castle, 28th March, 1949

Bombay Abkari Act, 1878

No. 6747/39(a) - In exercise of the powers conferred by section 17 of the Bombay Abkari Act, 1878 (Bom. V of 1878) and in supersession of Government Notification in the Revenue Department No. 6747/39 dated 31st March 1948, the Government of Bombay is pleased to direct that, with effect from the 1st day of April 1949 the limit of quantity within which the sale of the intoxicants specified in column 1 of the Schedule hereto annexed shall be deemed to be sale by retail, in the whole of the Province of Bombay, shall be as specified against them in column 2 thereof:

Schedule

Intoxicant 1			Limit of quantity 2
Foreign Liquor			
(a) Brandy, Whisky, Rum, Gin	....		One-third of an imperial gallon or two reputed quart bottles in aggregate
(b) Wines	....	....	One-third of an imperial gallon or two reputed quart bottles in aggregate.
(c) Fermented foreign liquor	....		One and one-third of an imperial gallon or eight reputed quart bottles in aggregate.

Bombay Abkari Act 1878:

No. 6747/39(b) - In exercise of the powers conferred by section 12 of the Bombay Abkari Act 1878 (Bom V of 1878) and in supersession of Government Notification in the Revenue Department No. 6747/39(a) dated 31st March 1948, the Government of Bombay is pleased to direct that, save as provided by any notification issued under section 11 of the said Act, with effect from 1st day of April 1949, the intoxicants specified in the first column of the schedule hereto annexed shall not, except under a pass issued under section 13 of the Act, be -

(a) transported within the Province of Bombay in quantities exceeding those respectively shown in the second column of the said Schedule;

(b) imported into, or exported, from the Province of Bombay in quantities exceeding those respectively shown in the third column of the said schedule-

Schedule

Intoxicant	Maximum quantity prescribed	
	For transport without pass	For import or export without pass
1	2	3
Foreign liquor (a) Brandy, Whisky, Rum, Gin	One dram in aggregate	One dram in aggregate

(b) Wines

Enclosure to
Despatch no. 186,
Bombay, India,
April 14, 1949.

Intoxicant	Schedule: Maximum quantity prescribed: For transport without pass	Schedule: Maximum quantity prescribed: For import or export without pass
1	2	3
Foreign liquor (Continued)		
(b) Wines	One-sixth of an imperial gallon or one reputed quart bottle in aggregate	One pint in aggregate
(c) Fermented foreign liquor	One-half of an imperial gallon or three reputed quart bottles in aggregate	One pint in aggregate

Bombay Abkari Act, 1878:

No.6747/39(c) - In exercise of the powers conferred by section 6 of the Bombay Abkari Act, 1878 (Bom. V of 1878) the Government of Bombay is pleased to invest the persons mentioned in column 2 of schedule hereto annexed with the powers under the said Act specified against them in column 3 of the said Schedule:

Schedule

Serial No. 1	Persons empowered 2	Powers conferred 3
1.	Holders of foreign liquor "Vendors" licenses, foreign liquor "Retail" "Off" licenses, foreign liquor "Club" licenses, foreign liquor "Military Canteen Tenant System" licenses in the Province of Bombay and their duly authorised agents.	Powers under section 13 to issue passes for the transport of Brandy, Whisky, Rum and Gin sold by them to their customers up to a limit of one quart bottle in aggregate.
2.	Bishops in charge of the Mass Wine manufactories situated at Gundavali in the Greater Bombay and at Anand in the Kaira District.	Powers under section 13 to issue passes for the transport of mass wine as defined in the Bombay Mass Wine Rules 1943, under rule 7 of the said Rules.

By order of the Governor of Bombay,

V.N. SARDESAI,

Secretary to Government

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE GENERAL

Bombay, India, June 28, 1949

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NO: 296

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DIVISION OF SOUTH ASIAN AFFAIRS
JUL 11 1949
DEPARTMENT OF STATE

Subject: Prohibition Policy of Bombay Government

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON.

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SIR:

I have the honor to transmit copies of correspondence between Mr. Kanji Dwarkadas and officials of the Government of Bombay with regard to the latter's policy of prohibition.

At the request of the Bombay Government, the Chief Presidency Magistrate requested (enclosure no. 1) all local Justices of the Peace and Honorary Presidency Magistrates to answer the following questions:

(1) Do you subscribe to Government's policy of Prohibition?

(2) Are you prepared to render such help as may be required in executing Government's program?

Although questioning the propriety of such action on the part of the Chief Presidency Magistrate, Mr. Dwarkadas replied (enclosure no.2) stating his view that although a teetotaller himself he was unable to subscribe to the Government's policy in this respect, but would be pleased to help the Government in its program.

To Mr. Dwarkadas' surprise, he received an extensive reply from the Premier of Bombay, Mr. B.G. Kher, (enclosure no. 3) which sets forth clearly the Administration's view on the prosecution of the prohibition program. It will be particularly noted that Mr. Kher believes that his Government can succeed where the United States failed. Mr. Kher also refers to the widespread rumor of a "directive" given by the Government of India to the Provincial Governments to "go slow"

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on prohibition, and although tacitly admitting the existence of the directive, stated that it "was not either to go slow or to suspend or stop the prohibition policy".

Respectfully yours,

William W. Witman II
American Consul

Enclosures: att.

1. Copy of letter dated June 8, 1949 from Mr. Oscar H. Brown.

2. Copy of letter dated June 14, 1949 from Mr. Kanji Dwarkadas.

3. Copy of letter dated June 24, 1949 from Mr. B.G. Kher.

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Copies to:

American Embassy, New Delhi
American Consulate General, Calcutta
American Consulate General, Madras

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A microfilm project of

Enclosure No.1 to Despatch No.296, dated June 28, 1949, from William Witman II, American Consul, Bombay, India, entitled: "Prohibition Policy of Bombay Government".

Copy - db

CONFIDENTIAL

D.O. No.1[redacted]f 1949,
Esplanade [redacted]ice Court,
Bombay, 30th May 1949
8th June

Dear Sir,

I am asked by Government to obtain your answers to the following questions and to convey your reply to Government forthwith.

1. Do you subscribe to Government's policy of Prohibition?

2. Are you prepared to render such help as may be required in executing Government's programme?

Will you please send me your reply within a week as the matter is very urgent.

Yours faithfully,

Oscar H. Brown

Kanji Dwarkadas Esqr.,
Honorary Presidency Magistrate,
and Justice of the Peace, Bombay.

A microfilm project of

Enclosure No.2 to Despatch No.296, dated June 28, 1949, from William Witman II, American Consul, Bombay, India, entitled: "Prohibition Policy of Bombay Government".

Copy - db

June 14, 1949.

My dear Oscar Brown,

I am afraid my reply to your letter D.O. 142 of 8th June would have to be rather long. To your first question whether I subscribe to the Government's policy of Prohibition, I have to say that I have never taken a drop of liquor in my life, that I do not believe in drinking in moderation and that I am one hundred percent teetotaller. I do not like other people to drink even in moderation and I feel extremely uncomfortable and unhappy when I see how stupidly people behave suffering from the effects of overdrinking and I am conscious of the terrible misfortune that a stupid man brings to himself and his family by indulging in the vice of drunkenness.

To give an example of how much I abhor alcoholic drinks, I may be permitted to give an example. I was ill for one month in February 1941 with the possibility that my illness would take a little serious turn. I then told my doctors that in the event of my going unconscious and collapsing, they should not try to revive me through giving me brandy. Even for medicinal purposes when recommended by doctors I refuse to take any medicine in which alcohol has been used.

I have been in touch with Labour during the last 32 years. I have seen the evil effects of drinking on the working classes. For the last 11 years Prohibition has been in force in the working class area, all the toddy shops having been closed. Prohibition in the working class area has succeeded beyond the wildest dreams of Gandhiji and the worker has been able to improve his morale and his standard of living as a result of the temptation of drink having been removed from his surroundings. With the housing conditions as they are and because of want of recreational facilities, the one and only chance of relaxation was in the evil smelling toddy shops. I am therefore, strongly in favour of continuing the present prohibition policy, so far as the working classes are concerned.

The question, however, of bringing in total prohibition by law throughout the City or Province raises other issues than connected merely with the evil of drinking. First, it is a question of loss of revenue; secondly, we need any amount of finance to feed the nation building activities. We want proper housing for the industrial workers. It is a matter of regret that Government, Central and Provincial, have not paid enough serious attention to this great problem to which I give first priority. Then we want more hospitals. We read of the terrible consequences of T.B. and the havoc caused by the spread of this foul disease and yet there is hardly any arrangement for hospital treatment for T.B. cases. Then we have to educate the

illiterate

illiterate masses and as the Premier of Bombay pointed out only 3 or 4 days back, 85% of the population in this province are illiterate. How will democracy in India work when with adult franchise 85% of our electorate, the masters of the country, are illiterate.

It is all therefore a matter of priorities as to which reform should be undertaken first and which should wait for better conditions and for better times. If we have better housing for the industrial workers and the masses, it automatically improves the health of the people. With hours of work going down and with better housing and better wages and with the State helping there will be more facilities and opportunities for the education of the children of the working classes and in a matter of ten to fifteen years illiteracy may well disappear from this province.

Another important question which occurs to my mind in regard to prohibition is the tourist traffic which Government of India rightly want to encourage. This tourist traffic from America, Europe and other countries of the world would make people come into more contact with India and Indian culture and would get people more acquainted with the Indian point of view. India would gain more friends in the world. Incidentally, and this is also a very important point, India would gain more dollars which it needs so badly. It is perhaps not known that one-tenth of the dollars available to the world outside America is the result of Americans going abroad from U.S.A. With the world air services being now so quick and efficient, hundreds and hundreds of Americans can visit this country regularly and leave thousands of dollars behind for our use. But we must make their stay in India comfortable. We must attract them to our country. People outside India are not so enamoured of Prohibition as we in this country and this is due mainly to the great moral support lent to this movement by Gandhiji. U.S.A. tried the experiment of prohibition for years and the experiment failed. The lessons learnt by that experiment and experience should not be lost to India. I would be entering the field of controversy if I added in parenthesis, that from my personal knowledge of Indian agitation between 1917 and 1947 Gandhiji agitated for prohibition and for the removal of the salt tax not merely because of the evil effects of drinking or because he thought it hateful that the people's salt should be taxed, but it was more an anti-government political agitation to harass, embarass and to bring to a standstill the foreign (British) government. But for the purpose of this letter it is not necessary to dilate further on this controversial issue.

I am a very close student of human nature and have 32 years of experience of public life. I claim to have visited more houses in Bombay than anybody else in the City. My own personal feeling is that much as I abhor and hate drinking, the policy of total prohibition enforced by law would not be successful. There is too much indiscipline and too much hooliganism and too much selfishness and greed in the country which will create terrible reaction against prohibition and people will take to illicite distillation etc. In these illegal acts the young children will be compelled to join in as much as such illegal distillation will take place in family home and from the start of his life the young Indian will be

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brought up in an atmosphere of hypocrisy and illegal activities. Today blackmarket flourishes with or without government connivance. Government have so many problems on their hands with which they have not been able to cope. I can go on giving further arguments against prohibition. I can equally easily give arguments for prohibition. But when all is said and done and taking every point of view into consideration and weighing it carefully, I regret I cannot honestly subscribe to Government's policy of prohibition. It is no small consolation to realise that in this attitude I am in good company in as much as the Government of India have, I understand, tendered strong advice to the Government of Bombay to go slow on their prohibition policy. Though I do not belong to the Congress Party, I am a friend of the Government and I think the need of the hour is that Government should be maintained and supported on a non-party basis.

Coming to the second question whether I am prepared to render such help as may be required in executing government policy, I have no hesitation in giving an unequivocal reply that I shall render any help as may be required in carrying out Government's programme. I have always been opposed to the theory and practice of civil disobedience. I am afraid the present indiscipline and hooliganism we see amongst refugees or workers, or students are a direct result of the civil disobedience movement of Gandhiji during the last 30 years. The law must be obeyed and it is the duty of every loyal citizen to obey the law and I shall, therefore, do my best to help the Government in their programme.

I have written to you freely and frankly and I have no fear of being misunderstood either by the Government or by you, because you personally know me for several years and we have worked together in the Children's Aid Society, etc.

Yours sincerely,

K.D.

Mr. Oscar H. Brown,
Chief Presidency Magistrate,
BOMBAY

Enclosure No. 3 to Despatch No. 296, dated June 28, 1949, from William Witman II, American Consul, Bombay, India, entitled: "Prohibition Policy of Bombay Government".

Copy - db

No. 12215

Personal

Secretariat,
Bombay, 24th June 1949.

Dear Kanjibhai,

I am in receipt of your letter of the 21st instant along with copies of the letter of Mr. Oscar Brown and of the reply thereto. Many thanks.

I am glad to see that you are hundred percent a tee-totaller and have not touched even a drop of liquor in your life even under trying circumstances.

I am also pleased to note your observations about the good effects of prohibition on the labourers in the City of Bombay, and these observations are based, as you say, on your personal knowledge. I am happy to know that on principle you accept the policy of prohibition, not only that you are also convinced that it is beneficial to the masses. You are right. Why otherwise do you think even America tried - Never mind if she failed we shall succeed where she failed.

As to the objections you have raised in your letter they appear to relate to the peculiar conditions that obtain in our province at present. Obviously you are not well posted with information regarding the steps taken by Government to ameliorate the conditions of the people and of the views of Government on various matters referred to by you in your letter. I really wonder how you could raise objections to the loss of revenue that would accrue by pursuing the policy of prohibition, when you are perfectly satisfied that it is a boon to the masses. Government collects revenue in order to better the lot of the people, and if by losing the revenue of excise they could help the people to improve them economically, morally and culturally, I wonder why Government should not be ready to forego that revenue. In fact revenue procured out of vice can never succeed in achieving any reform. I can understand your anxiety about providing houses to the workers and facilities for giving education to them in general, but Government have not neglected either of these two activities nor any other activity. I know some people feel that by launching the policy of prohibition Government have closed down the activities of other departments. That is far from truth.

Government

Government have launched a scheme of free compulsory education throughout the province and [illegible] to complete the programme within a period of seven to 10 years. They have also started schools for the adults.

I need not narrate here, about the progress made by other departments of the Soviet Government. Suffice it to say that in other directions [illegible] satisfactory progress. Therefore, the other departments are not starving because of want of funds as a result of the prohibition programme. Our difficulties are of a different nature, namely, there are not enough trained staff, enough building material and adequate machinery.

Prohibition, [illegible] merely a negative reform, that is, stopping [illegible] to the pernicious habit of drinking. It has also its constructive and positive aspect. [illegible] loses say 11 crores of rupees out of the excise revenue in the enforced province, including the States, [illegible] people of our province will save nearly 44 crores of rupees per year. Is this not an actual material gain to the people? Will this not enable them to put in for more [illegible] education of their children and secure for them [illegible]?

Prohibition will also safeguard the health of thousands of the miserable addicts and will keep them away from diseases like Tuberculosis, [illegible]. If they are in good health they need not seek refuge in T.B. Sanatoriums. Prevention is always better than cure.

Prohibition means increasing the efficiency of the workers and putting a stop to evils like absenteeism, indifference and carelessness on the part of the labourers. And efficiency means better production. Prohibition will also release capital to the tune of crores of rupees at present locked up in the manufacture of liquor, its export, transport and sale and the same could be invested in other productive channels. Prohibition also means [illegible] not merely the material but also the moral standard of the people about which you are so exercised.

You say that the morals of the people have gone down. They stoop to any means to seek their ends. Bootlegging and corruption and other social evils, according to you, are rampant. It is precisely because of the moral degeneration of our people that prohibition has become a great necessity. Prohibition aims at keeping people away from bad habits and making them healthy, progressive and responsible citizens. Thus from the moral point of view prohibition is going to be a great asset. Under the spell of drink, people commit many crimes like debauchery, gambling, thefts, murders and so on. It means saving their energy which is at present frittered away due to this vice and also saving the labours of the police and judiciary for curbing down these offences. This clearly shows that the loss of revenue owing to prohibition is only apparent, but in fact it is a great investment which will bring in its turn many economic and social blessings to our people.

It will

It will also save future generations from inheriting crime, disease and vice.

I am glad that you have referred to the question of tourist traffic. This Government is as anxious about developing tourist traffic as any one in India, not merely from the point of pecuniary gain but also from the point of strengthening the cultural and social ties with the people of other nations. But let me tell you frankly that it is not prohibition alone which is coming in the way of our tourists' trade but there are other factors affecting the issue to which we must pay proper attention, namely, good hotels, cleanliness, better service and transport facilities, etc. Prohibition is not going to warn off tourists because under the new Prohibition Act it is provided that foreigners who are accustomed to drink and who want to stay in our Province for a period of six months may get a permit for their drink.

About Gandhiji's views on Prohibition it would not be right for me to dwell upon them as they are well known to the world. But from what I can gather from his writings, I feel that with Gandhiji prohibition was an article of faith.

I am amused when you say that you cannot subscribe to the Government's policy of prohibition in view of what you have said in the beginning in paragraph 2 of your letter. You are mistaken about the directive given by Government of India to the Provincial Governments. The directive was not either to go slow or to suspend or stop the prohibition policy.

I do not intend to discuss your views on the civil disobedience movement for obvious reasons.

I must thank you very much for your promise to render all help to Government in carrying out the prohibition programme.

With kind regards.

Yours [redacted]

B. G. Kher

Shri Kanji Dwarkadas,
34 Altamont Road,
Cumballa Hill,
BOMBAY.

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